

Hell to the Chief

of the Illinois State Water Survey

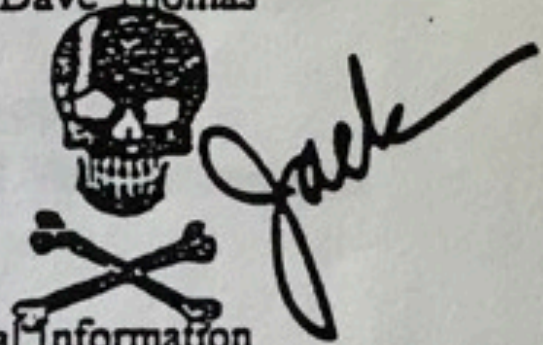
Tom Pigati
Kim Underwood

John O'Connor
Dave Thomas

FROM: John S. Moore

DATE: March 11, 1993

SUBJECT: Communication of Vital Information



**How Political Power Crushes Scientific Dissent
or
How Political Power Steers Science
or
A story of Environment, Energy, and Evil**

1. The Illinois State Scientific Surveys:

The Illinois scientific surveys were reputed to be independent research entities, headed by apolitical 'Chiefs who were protected from political manipulation.

What I learned after becoming the Chief of the Illinois State Water Survey in 1992.

Rather than the Water Survey staff being supported by independent, external grants and contracts, the bulk of the Survey's income was from the Illinois State Government in Springfield. Accordingly, reductions in State allocations would directly result in Survey staff reductions.

The State government was urgently supporting the expansion of the corn to ethanol industry and lobbying nationwide for the mandated use of ethanol in motor fuels.

State government was also focussed on abetting the nuclear power industry in their efforts to export their low-level radioactive wastes to off-site storage in Illinois communities.

It was similarly important for the State to avoid criticism and sanctions for the contribution of its agricultural fertilization practices to the creation and expansion of the 'dead zone' in the Mississippi Gulf region.

Insidiously at the Water Survey, the positions of a former Chief and his financial officer spouse were protected and guaranteed in exchange for his voluntary resignation after his internal extramarital affair led to his divorce and remarriage.

And, ultimately, we would learn that the University of Illinois had become an academic refuge for a washed-up ex-governor.

These, then, are components of this story of the turbulent years, 1992-1995, of the tenure of the Centennial Chief of the Illinois State Water Survey, Dr. John T. O'Connor.



2. So, Who is Dr. John T. O'Connor?:

Dr. John T. O'Connor is one of the world's most widely published researchers in the field of drinking water quality and treatment. He has conducted pioneering studies of the removal of arsenic, mercury, virus and disinfection by-products from water supplies. He has been recognized by his peers for his studies of microbiologically-mediated corrosion and water quality deterioration in water distribution systems. He was among the first to apply advanced epifluorescent microscopic techniques to the direct enumeration of microorganisms in raw and treated drinking water.

Dr. O'Connor earned his engineering doctorate in Sanitary Engineering and Water Resources from The Johns Hopkins University. Initially licensed in the State of New York, he is a registered professional civil engineer in Illinois and Missouri.

Dr. O'Connor was Professor of Civil Engineering at the University of Illinois, Urbana-Champaign from 1961-1975 and was subsequently appointed Chair and C.W. LaPierre Professor of Civil Engineering at the University of Missouri-Columbia, a teaching, research and administrative position he held from 1975-1992.

Dr. O'Connor served as Chief of the Illinois State Water Survey, Champaign, Illinois from 1992 to 1995. It is this period that the ensuing narrative details.

Starting in 1993, Dr. O'Connor established H₂O'C Engineering, a Columbia, Missouri-based consulting firm specializing in water and wastewater engineering. His firm has provided engineering services to numerous Midwestern communities and municipal utilities for over twenty-five years. Today, his firm is managed by his son, Tom, (B.S.E.E., M. B.A., University of Missouri-Columbia; and MasterElectrician) who now specializes in the design and installation of solar power systems.

Dr. O'Connor is an ASCE Fellow and recipient of the ASCE Simon Freese Award and Lecture. A Fulbright Award recipient, he has served as Chair of the Fulbright Awards Committee for Australasia.

Dr. O'Connor is recipient of the 2002 and 2009 American Water Works Association (AWWA) Warren Kramer Awards; an Honorary Member of the Missouri Water and Wastewater Conference; and a Life Member of the American Chemical Society, Water Environment Federation and AWWA.

Dr. O'Connor contributed two chapters to the 2002 American Society of Civil Engineers (ASCE) Manual on *Control of Microorganisms in Drinking Water*.

In 2009, based on his drinking water treatment consulting experiences, his book on *Water Treatment Plant Performance Evaluations and Operations* was published by John Wiley and Sons.

A comprehensive listing of his publications, as well as downloadable pdfs of recent reports, can be accessed at www.h2oc.com.

New water chief returns to university after 17 years

By Melissa Mitchell

Walk into any faculty or staff member's campus office, and you can usually tell something about that individual's professional or personal life by taking a quick inventory of the surroundings. The plaque on the wall, the family photograph, or even the assortment of cat icons littering the desk convey immediate information about the person.

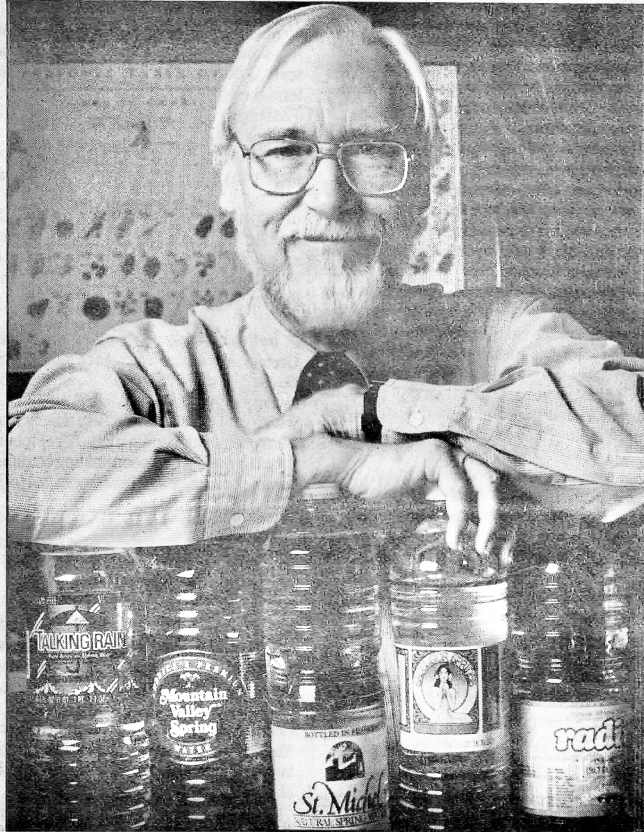
The first thing a visitor notices about John O'Connor's office—besides the boxes containing 8,000 pounds of books waiting to be unpacked—is his bottle collection. The bottles, which once contained water bottled in various parts of the world, are evidence of O'Connor's unquenchable thirst for knowledge about water—especially drinking water.

"You read a lot of nonsense on bottled water labels," says O'Connor, the new chief of the Illinois State Water Survey, located on the UI campus. For instance, he said, "Buffalo Don's" brand claims to be "the best water in the world," a statement that O'Connor dismisses as pure advertising hokum. In fact, by his estimation, bottled water isn't necessarily any better than what comes out of most people's taps, said the water expert, who routinely runs samples on specimens from his collection.

O'Connor has been up to his neck in water issues since he graduated from New York's Cooper Union and went to work as a sanitary engineer just after World War II.

"The sanitary engineer was the precursor to the environmental engineer of today," said O'Connor, whose formal training—both at Cooper Union and at the New Jersey Institute of Technology—was in civil engineering.

"A civil engineer built civil works, and that included any of those that brought water to people and took it away," he said. Sanitary engineers, O'Connor noted, mostly built sewers and waste-water treatment plants, and "were the low men on the totem pole." In terms of prestige, "it was not like building the Empire State Building or the World Trade Center."



"I will work as hard as I can to bring the university and the survey closer together. And that will happen by ensuring positive, mutual benefits."

— John O'Connor

derstand and solve problems related to

After a shaky start as a teacher—"I wrote

to engineering.

O'Connor returns to the UI campus after a 17-year absence in which he served as professor and chairman of the civil engineering department at the University of Missouri at Columbia. There, in addition to teaching and administrative responsibilities, he kept up his research interests, which recently have focused on the chemistry of drinking water and water treatment.

He was lured back to Illinois by the prospect of working at the survey, which he had become familiar with as a UI professor.

"When I was a faculty member here, I frequently ran across the street and talked to the Water Survey folks, watched them do projects, and used data from their surveys in classes I was teaching," O'Connor said. "Some of the survey scientists had joint appointments in civil engineering, and I used them as guest instructors."

O'Connor sees that linkage between the UI faculty and the survey as an important relationship, which he hopes to develop further.

"I believe in building bridges," O'Connor said. "All the time I was chairman at Missouri, I worked on establishing the best possible relationships with every department that interacted with civil engineering. Here, I will work as hard as I can to bring the university and the survey closer together," he said. "And that will happen by ensuring positive, mutual benefits."

One possible way to achieve his goal, O'Connor said, would be to develop more research opportunities at the survey for graduate students.

"We currently have about 30 graduate students working here from many disciplines, and I will try to greatly increase that."

Given the survey's proximity and history of close ties, it simply makes good sense for the university to further utilize the survey's educational potential, O'Connor said. "Where could you send a graduate student in chemistry to get a better experience, for example, than to an EPA-certified national test center for acid rain?"

3. The Water Survey and The Ethanol Conference

Ethanol-Blended Fuels

A Symposium on Current Environmental Quality Issues

April 26-27, 1993
The Chancellor Hotel and Convention Center
Champaign, Illinois

Program Sponsors:

Illinois State Water Survey
Central Illinois Chapter of the Air and Waste Management Association
Environmental Engineering and Science Program,
Department of Civil Engineering, University of Illinois

Contributing Sponsors:

Construction Engineering Research Laboratory,
U.S. Army Corps of Engineers
Pekin Energy Company

About the Symposium

This symposium will provide a forum for exchanging information and ideas relating to the use of ethanol-blended fuels. The intent of the symposium is to provide overviews from the perspective of a variety of experts in the field.

Ethanol-blended fuels have been used widely in the U.S. in the form of gasohol. However, more recently provisions in the federal 1990 Clean Air Act have caused a new level of interest and debate on ethanol-blended fuel (and other oxygenated fuels) as a means to attain air quality goals. For a meeting to cover all aspects of the issue would require several talks on numerous areas including air quality science, regulatory approaches, energy policy, production and utilization approaches, economics, politics, agricultural policies, public perceptions, and other related topics. This symposium, being only one day and one evening in duration, can only cover a limited portion of the issues involved in the national debate that is taking place. *A choice was made to have a broad spectrum of speakers and topics but with an emphasis being placed on air quality issues.*

Who Should Attend

Those with interests in air quality, agricultural production, agricultural engineering, energy economic policies, and alternative energy sources will benefit from the information and viewpoints included in this symposium.

ore, Director

TO: Mike Collins Morris Leighton
Henry Kurth Bruce McMillan
Bob Lieberman Lorin Nevling
Tom Pigati John O'Connor
Kim Underwood Dave Thomas

FROM: John S. Moore

DATE: March 11, 1993

SUBJECT: Communication of Vital Information



While many Division directors and Survey chiefs have done an excellent job of keeping me informed of new issues or progress on existing matters, there have been a number of recent lapses in passing vital information on to me.

My office has received copies of memos of a sensitive nature several days after they were sent to parties outside of ENR. In other instances, outside individuals were verbally informed of progress, or lack thereof, concerning areas of considerable interest to me.

My policy has been to accord managers authority along with responsibility, but you must reciprocate with accountability and communication to avoid embarrassment and/or unpleasantness.

cc: Mitch Beaver
Stan Yonkauski



Illinois State Water Survey

OFFICE OF THE CHIEF • MEMORANDUM

9

TO: Director John Moore

FROM: Chief John O'Connor

DATE: March 12, 1993

SUBJECT: Your Memo of March 11, 1993
regarding Communication of Vital Information



John T. O'Connor

I am concerned that inclusion of my name on your memo might be taken as an indication that I or my office may have failed to notify you of the Water Survey's activities related to the sponsorship of the Air and Waste Management Association's Conference on *Ethanol Fuel — Current Environmental Quality Issues*.

It is important to me to state, for the record, that this is not true. I believe I should not have been sent this ambiguous, seemingly threatening, memo.

Based on our telephone conversation earlier today, I am awaiting your written order, as Chairman of the Board of Natural Resources and Conservation, to withdraw the Water Survey as an official sponsor of this Conference.

Having reviewed this program with members of the Conference Organizing Committee, I remain convinced that it offers a fair and timely forum for diverse scientific and social perspectives and is a service to both the scientific community and the public. However, based on the grave concerns you expressed over the political consequences sponsorship of this Conference might generate, I agreed to withdraw the Water Survey as an official co-sponsor, but only under direct order.

ljn



We would later learn that Director Moore had telephoned each of the other Survey Chiefs (Leighton, Nevling, Thomas) to advise them that the skull-and-crossbones warning was not directed at them.

He then called me in an effort to negotiate my agreement to unilaterally remove the Water Survey as a co-sponsor of the Ethanol Conference.

John T. O'Connor

Water survey chief put on leave during probe

By MICHAEL HAWTHORNE
News-Gazette Staff Writer

CHAMPAIGN — The head of the Illinois State Water Survey has been placed on paid administrative leave while the state investigates complaints about his management practices, The News-Gazette has learned.

John T. O'Connor was relieved of his duties at the survey on Wednesday by John Moore, director of the state Department of Energy and Natural Resources.

The department oversees the state's scientific surveys, which are based at the University

of Illinois at Urbana-Champaign.

State officials refused to comment on the specific allegations against O'Connor.

O'Connor told The News-Gazette on Friday that "up to this point, they haven't really told me about the specific allegations against me. All they told me was that the allegations were very, very serious.

"Even if these allegations prove to be groundless, the fact that I was forced out of my office and humiliated could permanently damage my professional reputation," he said. "I am very upset about this."

O'Connor said state officials have ordered the locks changed at his office and banned him from speaking to employees about the matter.

State Rep. Tim Johnson, R-Urbana, has talked with authorities at the natural resources department about the matter.

He said an official there told him the department is investigating "possible civil rights violations against foreign nationals who work at the survey."

See WATER SURVEY, A-12

Water survey

Continued from A-1

Johnson said the official told him O'Connor allegedly harassed and intimidated survey employees and targeted divisions with large numbers of foreign-born employees for budget cutbacks.

The investigation is being handled by the Department of Central Management Services, the state's personnel agency, and the Illinois State Police.

O'Connor, 60, was appointed to the \$81,000-a-year job as survey chief in September.

UI Chancellor Mort Weir said the university was not directly involved in the investigation, but that he had been made aware of the discrimination complaints against O'Connor some weeks ago.

More recently, he said he had been informed by Moore that O'Connor was also the subject of an inquiry into the possible abuse of indirect cost expenditures, that is, grant funds.

Weir said he had spoken with the head of the UI's affirmative action office, but had not pursued the matter further because it was already in state hands.

"We felt we didn't have jurisdic-

tion ... because he's not our employee," Weir said. He said he has since asked the UI's legal counsel for clarification of the university's responsibilities regarding oversight of the surveys.

O'Connor, a drinking water expert, oversaw 70 state employees and a \$2.7 million annual budget at the water survey. Mark Peden, head of the survey's chemistry division, was named acting chief in O'Connor's absence.

Mitch Beaver, deputy director of the Energy and Natural Resources Department, insisted O'Connor was not being disciplined.

"We wanted to get the person out of the office while the allegations are being investigated," said Beaver. "We just don't feel qualified to make a judgment on these matters."

Before obtaining his job at the water survey, O'Connor was a member of the research and teaching faculty at the University of Missouri from 1975 to 1992.

Before that, he spent 15 years as a civil engineering professor at the UI.

Staff Writers Anne Cook and J. Philip Bloomer contributed to this story.

Politics behind survey director's case, lawyer says

5/14/93

By MICHAEL HAWTHORNE
News-Gazette Staff Writer

SPRINGFIELD — Allegations against the head of the Illinois State Water Survey are merely a smoke screen to mask political motives behind his ouster, the official's attorney says.

State officials placed John T. O'Connor on paid administrative leave last week, citing unspecified allegations that he discriminated against foreign-born employees and sexually harassed a worker. The move against O'Connor was reported in Saturday's News-Gazette.

But O'Connor's attorney, Steve Beckett, says state officials leveled the allegations because they were worried about possible political fallout from a recent ethanol conference sponsored by the survey.

BECKETT THREATENED to sue state officials unless they immediately reinstate O'Connor, who was named chief of the water survey in September.

"My client thought he was being brought into an agency interested in serious scientific study," the attorney said Thursday. "But I guess they thought he would be some kind of political hack and would make science fit their own whims."

The conference, held April 26-27 in Champaign, featured speakers that officials in Gov. Jim Edgar's administration believed were anti-ethanol, Beckett claimed.

Edgar is among several farm-state officials pushing the federal government to adopt a nationwide pollution-control plan that promotes the addition of corn-based ethanol to gasoline. The Clinton administration is reviewing that plan.

Officials from the state Department of Energy and Natural Resources, the agency that oversees the Champaign-based survey, refused to comment.

BUT A PAIR of memos exchanged between agency Director John Moore and O'Connor in March provide a glimpse of how angry state officials were when informed about the list of speakers at the ethanol conference, Beckett said.

The first memo, from Moore to the directors of the various scien-

'My client thought he was being brought into an agency interested in serious scientific study. But I guess they thought he would be some kind of political hack and would make science fit their own whims.'

— Steve Beckett,
John T. O'Connor's attorney

tific surveys, features a "skull and crossbones" stamp and chides unnamed survey chiefs for "a number of recent lapses in passing vital information to me."

In a reply the next day, O'Connor suggests Moore's memo was intended to pressure him to withdraw the survey's sponsorship of the ethanol conference.

"I remain convinced that it offers a fair and timely forum for diverse scientific and social perspectives and is a service to both the scientific community and the public," O'Connor wrote.

"However," he added, "based on the grave concerns you expressed over the political consequences sponsorship of this conference might generate, I agree to withdraw the Water Survey as an official co-sponsor, but only under direct order."

BECKETT CONFIRMED THAT state officials are investigating allegations that O'Connor targeted survey divisions with large numbers of foreign-born employees for budget cutbacks.

O'Connor said he also is being accused of sexually harassing a worker, although no details were provided. He denies all the allegations.

The state's scientific surveys are jointly operated by the state and the University of Illinois. UI Chancellor Morton Weir last week said he referred the case to the university's affirmative action office, but did not pursue the matter further because of the state's investigation.

O'Connor, a drinking water expert, oversaw 70 state employees and \$2.7 million in state funds at the water survey.

News-Gazette Tues 25 May 25, 1993

People's Forum

Penalizing employee a premature action

To the editor:

I was horrified to read in a recent edition of The News-Gazette that the head of the Illinois Water Survey, Dr. John O'Connor, had been relieved of his duties and without warning locked out of his office.

According to the story, this was before he had even been advised of the specific allegations against him. Surely any alleged wrongdoing should have been discussed in private with O'Connor before such public action.

I thought that a person was innocent until proven guilty. This kind of extreme and well-publicized action does irreparable harm and smacks of police state activity.

Surely our state Rep. Tim Johnson does not condone these proceedings, as implied in the paper.

My husband and I have known John O'Connor since his days in the Civil Engineering Department of the University of Illinois. He returned here after 17 years as head of the Civil Engineering Department at the University of Missouri. He has an international reputation in his field and is a soft-spoken gentleman of uncompromising principles.

Perhaps this is the problem. In times of financial cuts, no doubt John had to cut where it hurt and is being pilloried for it. It is important that the truth of these allegations be investigated thoroughly because it is no insignificant act to destroy a reputation and blight the end of a long and successful career out of pique.

HEATHER J. YOUNG

Urbana

Opinions

Marajen Stevick Chinigo... Board Chairman/Publisher
 John C. Hirschfeld President/CEO
 John R. Foreman Editor in Chief

'America, America, God shed His grace on thee; and crown
 thy good with brotherhood, from sea to shining sea.'

A procedural farce

From the outside looking in, it's hard to determine the merits of allegations of impropriety against Dr. John O'Connor, the suspended chief of the Illinois State Water Survey.

But it's not difficult at all to conclude that the procedures and vague allegations used against him are an affront to the concept of fundamental fairness. O'Connor has been professionally smeared without being given an opportunity to defend himself. Indeed, he has yet to be told what specifically he has been accused of doing, making it all but impossible to prepare a defense.

Dr. O'Connor was suspended May 5 from his job at the water survey. While continuing to pay his salary, state officials from the Illinois Department of Energy and Natural Resources barred him from having any contact with colleagues at the water survey and changed the locks on his office.

State officials maintain that the suspension was not intended as a punitive measure, that it was necessary while charges of impropriety are investigated. But that declaration is a hollow one, considering damage to O'Connor's professional reputation.

So what are the charges against him?

O'Connor's lawyer, Steve Beckett of Urbana, has asked for specifics but received no response.

Apparently, there is a laundry list of charges, still under investigation and subject to modification. Allegations of sexual harassment. Allegations of racial prejudice. Allegations of financial impropriety. It's all pretty damaging and, so far at least, pretty vague.

O'Connor and his lawyer suggest there's another explanation, that the suspension is the result of petty politics as a result of a survey-sponsored conference on ethanol. Apparently, O'Connor's superiors were unhappy that critics of ethanol were invited to participate.

Whether that prompted the suspension is, of course, just one version of events.

Unfortunately, there's no telling when this episode will be concluded. While O'Connor has filed a federal suit seeking reinstatement, state officials continue their leisurely investigation.

It's a disgraceful situation, one that ought to worry anyone who believes in the basic concept of fair play.

— Jim Dev

People's Forum

O'Connor is tops in his profession

To the editor:

It is no wonder that Dr. John O'Connor, former chairman of civil Engineering at University of Missouri at Columbia, was hired to fill the position of chief of the Illinois State Water Survey.

According to those in the field of water research, our state could hardly find an individual more knowledgeable and informed about water and water related matters than Dr. O'Connor. It is of interest and perhaps revealing to others unfamiliar with his career that he received a deferment from military service by the draft board in his neighborhood, the Hell's Kitchen area of the Bronx in New York City because he was the only young man there attending college.

O'Connor had earned one of the scholarships offered by the Cooper Union. Appreciating deeply the educational advantage and privilege awarded him, O'Connor has sought ways throughout his career to repay his debt to Cooper by contributing any knowledge he has gained toward solving environmental problems.

The public should be made aware that, unlike many administrators, O'Connor still maintains an active role in research as well as attending to administrative responsibilities that are part of his important job. As any responsible scientist would, he bases his decisions about our water and our environment on facts rather than on politics, which is something for which we, the public, should be grateful.

The unprofessional manner in which the Illinois Department of Energy and Natural Resources has chosen to investigate alleged problems dealing with O'Connor's management practices has left questions in my mind, not about him but rather about how politics has influenced the department of energy and natu-

framed and that once hung in my father's law office: 'I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have. I must stand by anybody that stands right. Stand with him while he is right, and part with him when he goes wrong.'

Based on what I know of John O'Connor, I choose to stand by him.

SANDRA BATZLI

Urbana

Memos mention ethanol in water survey chief case

By MICHAEL HAWTHORNE
News-Gazette Staff Writer

SPRINGFIELD — Six weeks after the head of the Illinois State Water Survey was placed on administrative leave, state officials have yet to provide a detailed list of allegations against him.

Meanwhile, a flurry of internal memos exchanged before the May 5 action against John T. O'Connor illustrates an increasingly heated dispute between the water survey chief and state officials over a politically sensitive ethanol conference.

Officials acknowledge they are investigating charges that O'Connor, 60, discriminated against foreign-born employees and sexually harassed a worker. But they refuse to say who was involved, what happened or when the alleged incidents took place.

"For the protection of the survey, the individuals involved and Chief O'Connor, it would be best to keep the discussion of this matter private," said Bob Casteel, spokesman for the state Department of Energy and Natural Resources, on Tuesday.

Casteel, whose agency oversees the Champaign-based survey in conjunction with the University of Illinois, said O'Connor will be given a chance to officially respond after the investigation is completed.

O'Connor denies the charges. He has hired an attorney, Steve Beckett of Champaign, and is considering filing a lawsuit demanding his immediate reinstatement as survey chief.

"I think it's clear they want me out, even if nothing comes of this," O'Connor said. "It seems their tactic is to isolate me and make me feel paranoid."

State officials were first informed about the allegations in March when "two or three" survey employees filed complaints with the UI Affirmative Action Office, according to memos obtained by The News-Gazette.

"Suffice it to say that there is a pattern of behavior which on its face is discriminatory against staff members of foreign background and, in this instance, are also people of color," Joseph Smith, the UI's affirmative action director, wrote in a letter urging Energy and Natural Resources Director Jack Moore to begin an investigation.

O'Connor, though, maintains the allegations are merely a smoke screen to mask what he says are political motives behind his ouster.

Other memos, obtained by The News-Gazette under the Freedom of Information Act, show the allegations surfaced about the same time he became embroiled in a dispute with state officials over a survey-sponsored ethanol conference.

The conference, held April 26-27 in Champaign, featured speakers that officials in Gov. Jim Edgar's administration believed were anti-ethanol, the memos show.

Edgar is among several farm-state officials pushing the federal government to adopt a nationwide pollution-control plan that promotes the addition of corn-based ethanol to gasoline. The Clinton administration is reviewing that plan.

One memo to Jack Moore from Energy and Natural Resources

O'Connor maintains the allegations are merely a smoke screen to mask what he says are political motives.

Deputy Director Mitch Beaver suggests how angry state officials were about the conference format.

"I immediately called Chief O'Connor to express my concern that Springfield had not been informed of the April conference or been asked to have input on the agenda or speakers," Beaver wrote in the March 17 memo.

"I also told him that if this conference weren't (sic) well-coordinated among the various divisions of ENR, we would all look silly and the director would be very upset."

A month later, Gary Stensland, head of the survey's atmospheric sciences division, mentioned the dispute in a memo to two colleagues helping him organize the conference. "Considerable pressure was exerted to encourage the water survey to not sponsor the meeting or to pick selected pro-ethanol speakers," he wrote. "The pressure was resisted."

Energy and Natural Resources officials refused to comment on the memos.

O'Connor was appointed to the \$81,000-a-year job as survey chief in September. He still is receiving his salary while authorities continue their investigation.

A drinking water expert, O'Connor oversaw 70 state employees and \$2.7 million in state funds. Mark Peden, head of the survey's chemistry division, has been serving as acting chief in his absence.

Water survey chief files suit

July 1, 1993

THE CHAMPAIGN-URBANA NEWS-GAZETTE

A-

to be reinstated

By JULIE WURTH
News-Gazette Staff Writer

DANVILLE — Eight weeks after being placed on administrative leave, the head of the Illinois State Water Survey has filed a lawsuit demanding his immediate reinstatement as survey chief.

The lawsuit, filed Wednesday in U.S. District Court in Danville, charges that John T. O'Connor is a victim of a political dispute over ethanol and that discrimination allegations against him are unfounded.

The lawsuit seeks no monetary damages, other than attorney fees, but demands full reinstatement of O'Connor's position, according to his lawyer, J. Steven Beckett of Champaign.

It also argues the job restrictions placed on O'Connor are unconstitutional, preventing him from associating with colleagues, doing scientific research or "being active on issues of public importance."

Named as defendants are John Moore, the director of the Illinois Department of Energy and Natural Resources, and the Board of Natural Resources and Conservation, the eight-member board that governs the water survey.

Department spokesman Bob Casteel said today Moore hadn't seen the suit, "and we wouldn't have any comment on it."

STATE OFFICIALS acknowledge they are investigating charges that O'Connor, 60, discriminated against foreign-born employees and sexually harassed a worker. They have refused to say who was involved, what happened or when the alleged incidents took place.

Beckett said O'Connor's bosses "basically stuck a gag in his mouth and told him, 'Stop your research, and you can't collaborate with your colleagues anymore. We can't give you any specifics, here are some general allegations we're looking into.'"

The lawsuit includes the list of allegations provided to O'Connor on May 11, six days after he was placed on administrative leave.

O'Connor was alleged to have "systematically" discriminated against foreign-born and minority staff members at the water survey by delaying or refusing to approve their research proposals, and by targeting foreign-born staff for a disproportionate share of budget cuts.

O'Connor also was accused of

hiring staff to benefit former associates, including a graduate student who had been involved in allegations of plagiarism.

It's charged that he used survey vehicles and other equipment for his personal use; allowed a non-staff person to move personal belongings at survey expense; and made numerous long-distance telephone calls to former colleagues in Missouri for nonsurvey purposes.

On two occasions, O'Connor is alleged to have sexually harassed visitors or survey staff members.

The lawsuit states that O'Connor was given no chance to refute the allegations before being placed on administrative leave. He is still receiving his salary.

OFFICIALS HAVE said O'Connor is not being disciplined but was removed from his office while the allegations are investigated.

Department spokesman Casteel said O'Connor was informed at the start that he would have a chance to speak before the Board of Natural Resources and Conservation "after independent investigations have been completed by the Illinois State Police and Central Management Services. Those investigations are under way."

State officials were first informed of the discrimination allegations in March, when "two or three" survey employees filed complaints with the UI Affirmative Action Office, according to internal memos obtained by The News-Gazette.

Joseph Smith, the UI's affirmative action director, wrote a letter urging Moore to begin an investigation.

Beckett charges the discrimination allegations are "a pretext." The reason for O'Connor's dismissal is that "he ran afoul of the governor's or the administration's attitudes about ethanol."

The allegations against O'Connor surfaced about the same time he became embroiled in a dispute with state officials over a survey-sponsored ethanol conference.

The conference, held April 26-27 in Champaign, featured speakers that officials believed were anti-ethanol, memos show.

The lawsuit states that Moore expressed concerns about the "political consequences" of the conference and later used "vague allegations" to place O'Connor on administrative leave because he was unhappy about it.

People's Forum

Politics intruding on the water survey

To the editor:

While good news travels fast, only recently has the unbelievable and unsettling account of John O'Connor being placed on administrative leave from the Illinois State Water Survey reached Columbia.

I have been dismayed and shocked to read the newspaper stories and a copy of the infamous "skull-and-crossbones" memo from Department of Energy and Natural Resources director Jack Moore. Obviously, the character assassination and damage to O'Connor's reputation by the petulant actions of Director Moore must be "to avoid embarrassment and/or unpleasantness" referred to in this memo.

This sounds awfully similar to the "knock at the door at night" by the KGB to remove the "refusenik" and send him off to Siberia. This no doubt must be part of a "five-year plan" by DENR and the governor's office to completely politicize the scientific surveys in Illinois.

While we have our share of dirty politics in Missouri, at least politicians direct their venom toward each other and leave scientists and civilians alone.

There is no doubt that O'Connor will be completely vindicated of any charges that may arise from the long and nebulous list of allegations against him. This obvious shotgun tactic has no target to hit.

O'Connor's character and reputation are beyond reproach. Only a man with his level of integrity would file a federal suit asking simply to be reinstated as chief to continue his work for the people of Illinois rather than for a huge financial settlement.

This disgraceful situation obviously resulted from the meeting of a man with integrity and a political appointee.

We in Missouri lost an excellent scholar and scientist to Illinois. Now the current people in power have fabricated allegations to remove him to fulfill a political agenda. If this is allowed to happen, it's the citizens of Illinois who lose, for his reputation will long outlast that of the newly politicized water survey.

Columbia, Mo. MICHAEL BARKER

Tuesday, July 27, 1993

People's Forum

Monday, August 2, 1993

O'Connor allegations are just not credible

To the editor:

Over the past month or so, I have been following with growing outrage and disbelief the articles and letters in your newspaper concerning the charges being leveled against Dr. John O'Connor, the head of the Illinois State Water Survey.

The absurd and vague allegations being made against O'Connor, and which have led to his being put on administrative leave while the charges are being "investigated," are an insult to this splendid man and to all the men and women who have benefited from their association with him over many decades. I concur totally with those who feel that the actions taken against O'Connor were precipitated by his support of anti-ethanol speakers appearing at a survey-sponsored ethanol conference.

There also appears to be a problem with in-house, petty office politics.

I am the superintendent of the city water treatment plant here in Columbia, Mo., and have known John O'Connor for over 16 years. While running the civil engineering department here at the University of Missouri, O'Connor managed always to find time to work with me and many others at our water plant whenever we had problems.

All of this is by way of trying to say something of this man's character. Not only is he an educator of great gifts, he is a man of highly moral character.

Whoever it is that has it out for O'Connor did not have the common sense to know when to stop. Illinois state officials would have us believe that this man has undergone an almost unbelievable metamorphosis.

If anyone in my organization were to be accused of the offenses O'Connor has supposedly committed, investigation of the charges and appropriate action would be taken swiftly. It doesn't take three to six months to get to the bottom of such things.

But it might take that long if accusers realized they had made a major mistake and had no idea of how to get out of an embarrassing mess.

Columbia, Mo. JOHN E. BETZ

THE CHAMPAIGN-URBANA NEWS-GAZETTE

THE CHAMPAIGN-URBANA NEWS-GAZETTE

Johnson tries to resolve survey chief dispute

By MICHAEL HAWTHORNE
News-Gazette Staff Writer

SPRINGFIELD — As friends and colleagues of suspended Illinois State Water Survey Chief John O'Connor wage a public relations campaign on his behalf, a state lawmaker is pressuring officials to decide O'Connor's fate.

Rep. Tim Johnson, R-Urbana, arranged a meeting last Friday between state officials and O'Connor's attorney in an attempt to resolve the three-month-old investigation into the survey director's job performance.

Participants refused to discuss what transpired at the meeting or even acknowledge that it took place. But apparently nothing was resolved.

"While I don't have the capability to tell anyone what to do, I think the state has an obligation to get this wrapped up one way or another," Johnson said, explaining his decision to get involved in the matter.

O'CONNOR, 60, has been on paid administrative leave since May 5 while state authorities investigate charges that he discriminated against foreign-born employees,

missed state funds and sexually harassed a worker.

O'Connor denies the charges and maintains they are a smoke screen to mask political motives behind his ouster. He has filed a federal civil rights lawsuit demanding his immediate reinstatement as survey director.

"To let this go on for three months is unfair to me and to the water survey," O'Connor said. "Certainly there's been enough time that they would have figured something out by now."

Among those attending Friday's parley in Champaign were Jack Moore, director of the state Energy and Natural Resources Department and O'Connor's boss.

Moore refused to comment on the discussion. O'Connor's attorney, Steve Beckett of Champaign, also declined comment.

Meanwhile, O'Connor's supporters in the academic community have begun writing letters to Gov. Jim Edgar and newspaper editorial boards in an effort to pressure state officials into exonerating the survey chief.

They also have sent copies of O'Connor's lawsuit to state lawmakers and have discussed establishing a legal defense fund.

"There are many people who know his stellar reputation and believe he has been treated unfairly," said Bruce Hannon, a University of Illinois geography professor. "Publicity is the only thing that's going to help O'Connor at this point."

SUPPORTERS ACCUSE Edgar administration officials of trying to drag the investigation out until O'Connor's one-year contract runs out in September.

But Al Grosboll, Edgar's chief environmental aide, said they are making sure each allegation against O'Connor is thoroughly examined.

"The suggestion that we're out to get this guy is ludicrous," Grosboll said recently. "People don't realize that authorities have to interview the people involved and cross-check their statements. It's a painstaking process."

While state officials have refused to provide details about the allegations against O'Connor, a list given to him by Moore and included in his federal lawsuit alleges the survey chief:

■ Targeted divisions made up largely of foreign-born employees for budget cutbacks.

■ Ignored a search committee's recommendations for a new position, instead giving the job to a former colleague.

■ Used survey vehicles and telephones for his personal use.

■ Sexually harassed visitors or staff members on two occasions.

In response, O'Connor says state officials leveled the allegations because they were worried about possible political fallout from a recent ethanol conference sponsored by the survey.

The conference, held April 26-27 in Champaign, featured speakers that Edgar administration officials believed were anti-ethanol.

Several memos exchanged between O'Connor and his superiors show state officials pressured the survey chief to bump those speakers. But he refused, arguing the conference provided a balanced view of ethanol.

Edgar is among several farm-state officials pushing the federal government to adopt a nationwide pollution-control plan that promotes the addition of corn-based ethanol to gasoline.

Some scientists, though, have expressed concerns about its environmental effects.

Opinions

Marajen Stevick Chinigo... Board Chairman/Publisher
 John C. Hirschfeld President/CEO
 John R. Foreman Editor in Chief

'America, America, God shed His grace on thee; and crown
 thy good with brotherhood, from sea to shining sea.'

Get on with it!

It's been more than three months since John O'Connor, the chief of the Illinois State Water Survey, was locked out of his office and suspended from his job with pay.

The supposed charges against him are vague but potentially ruinous professionally: sexual harassment, racial prejudice, financial misconduct. State officials say they are continuing to investigate. Meanwhile, O'Connor continues unsuccessfully to seek the specifics of the allegations and an opportunity to defend himself.

While it's impossible to reach a judgment on the merits of the dispute, this endless investigation can only encourage claims by O'Connor supporters that disputes over water survey policies, rather than any impropriety on his part, are the cause of the problem.

Sexual harassment? Who, how and when? Racial prejudice? Who, how and when? Financial misconduct? How much, how and when? This ought to be a straightforward matter.

State officials, ranging from O'Connor's boss, Jack Moore, the director of

the Illinois Department of Energy and Natural Resources, to Al Grosboll, a top aide to Gov. Edgar, maintain that sorting out details takes time. But maybe they are betting that time is on their side, not O'Connor's.

O'Connor's one-year contract as chief of the water survey expires next month. From their perspective, it might be a neat solution to simply allow his contract to expire and find a new director.

That might be cute politics. But it won't fool anybody who's paying attention.

This matter already has attracted the attention of legislators. O'Connor supporters are waging a letter-writing campaign. O'Connor has filed a lawsuit challenging his suspension in federal court.

Pressure will continue to grow, as well it should.

O'Connor is asking for an opportunity to defend himself. He ought to have it. Then, the chips can fall where they may.

— Jim Dey

People's Forum

Probe of O'Connor has suspicious delay

To the editor:

The news of John O'Connor's administrative leave from his position as chief of the Illinois State Water Survey was extremely upsetting, to say the least.

However, this does not compare to the outrage that has stemmed from the manner in which this "investigation" of vague allegations has proceeded. I have never been so disenchanted with the American political and legal systems that I was raised to admire.

I first felt that miscommunications were obviously involved with these allegations, since anyone familiar with this gentleman knows that he is not capable of such aberrations. Instead, the reputation-damaging events appear to be politically-motivated.

Apparently, O'Connor is viewed as a "loose cannon" since he has the gall to utilize the Water Survey as a forum of scientific debate, rather than a "scientific" agency that supports and defends whatever is politically-correct with no regards to the environmental implications.

I guess O'Connor is guilty of being idealistic, believing that he can make significant scientific contributions as chief, just as others have in the past.

The most disturbing aspects of these circumstances are the investigation's extremely slow pace and that O'Connor can be simply ousted from his position by declining renewal of his contract without presenting the true allegations and accusers and allowing O'Connor's defense.

Numerous troubling actions have occurred since this investigation began, such as, the reading of O'Con-

nor's mail by survey personnel prior to forwarding, denial of access to his personal files and library located at the survey and interference with his advisement of a doctoral student in civil engineering.

Investigators have not pursued witnesses of O'Connor's character. O'Connor has supervised several female and foreign-born employees throughout his distinguished career, yet, none have been contacted to determine if harassing or discriminatory behavior is historic.

The proceedings must be expedited. A distinguished scientist's reputation has already been tarnished due to his pursuit of scientific integrity. This cannot continue without allowing his defense.

TRENT STOBER

Jefferson City, Mo.

Friday, August 13, 1993

Nondiscrimination is key trait of O'Connor

To the editor:

Following is a copy of a letter I sent to Gov. Edgar:

I was shocked to learn that Dr. John T. O'Connor, the newly appointed chief of the Illinois Water Survey, was suspended from office. Especially shocking to me was the official reasons given for his dismissal: discrimination against foreign-born employees and sexual harassment.

I am a foreign-born professor who worked under Dr. O'Connor for 15 years when he was the chairman of Civil Engineering at University of Missouri-Columbia. He always rewarded employees according to merits rather than national origin, sex, race, religion, or any other irrelevant factors. For example, under his chairmanship I was promoted from associate to full professor. He also regularly gave me the largest salary raise in the department.

Does that look like someone who practices "discrimination against foreign-born employees"?

The charge of "sexual harassment" is even more shocking and absurd. Dr. O'Connor is such a mild-mannered gentleman that he would be the last to harass anybody, let alone women. He has never been accused of sexual harassment by anyone in his 15 years of service at Missouri.

From what I read in some Illinois newspapers, O'Connor has an apparently mean boss who wanted to punish him for being independent! O'Connor is certainly an honorable and independent man, not to be bullied by anyone, including his boss. It is his independence and integrity which make him controversial and

at times got him into trouble with his supervisors. This happened when he was in Missouri and now again in Illinois.

I used to have a great deal of respect for the state of Illinois and the Illinois Water Survey. However, the O'Connor incident has raised serious doubt in my mind, and will in others as well. For the reputation and the credibility of the Illinois government, I urge you to take immediate action to correct the situation.

I urge you to take immediate action — return O'Connor to his office.

HENRY LIU

Columbia, Mo.

Apology is owed to water survey chief

To the editor:

On May 11, director of the Illinois Department of Energy and Natural Resources (ENR), John Moore, provided John O'Connor, Chief of the Illinois State Water Survey, with a list of anonymous and non-specific allegations of "improprieties" in an attempt to justify his putting Chief O'Connor on administrative leave.

In these allegations, Chief O'Connor is accused of "improper hiring" of a graduate student at the Water Survey. As I am the only graduate student working with Chief O'Connor, by default John Moore was referring to me.

For the past two years, I have been pursuing doctoral studies in civil and environmental engineering at the University of Illinois at Urbana-Champaign. I have maintained a 5.0/5.0 grade point average and am supported by a three-year fellowship grant from the Amoco Foundation. While my doctoral research in water

quality is being directed by Chief O'Connor by agreement with the Department of Civil and Environmental Engineering, I have not been hired by, received any compensation from, nor been promised future employment with the Water Survey.

I believe that it would not have taken five minutes for the ENR General Counsel to have established these facts. Instead, he elected to include this absurd charge in ENR's laundry list of undocumented and anonymous allegations against Chief O'Connor.

A special penalty accompanying Chief O'Connor's suspension of his duties as head of the Water Survey was that I, as his doctoral research advisee, was precluded from conferring with him and Chief O'Connor was precluded from continuing as my research advisor. Instead, I was, ordered to report to "appropriate Water Survey staff." Upon appeal to state representatives Johnson and Prussing, this onerous burden was rescinded in a cryptic letter from ENR Director Moore on June 15.

I would ask those responsible for fabricating and propagating this allegation to step forward and take responsibility for it. Also I believe the University should act to protect its students from politically-inspired threats to their education.

Finally, the ENR staff involved in the fabrication of this and other allegations are indebted to apologize for their unprofessional and unethical conduct to Chief O'Connor, the citizens of Illinois, and me without further delay.

ROBERT B. BOWEN

Urbana

People's Forum

O'Connor dispute state embarrassment

To the editor:

Here is a copy of a letter I recently sent to Illinois Gov. James Edgar:

Through family members who reside (and vote) in Illinois, and through friends in Missouri, I am aware of the current dispute involving the Department of Energy and Natural Resources and the chief of the Illinois State Water Survey Chief. What an embarrassment this fiasco must be to you — and to the upstanding people of your state.

If you are personally acquainted with John O'Connor, you need no reminder that a wholly honorable man has fallen prey to the political pettiness decent citizens abhor. One senses things are wildly out of control in Springfield. I urge you to correct that.

In the name of fairness, Dr. O'Connor deserves a full accounting of implicit accusations and an honest opportunity to be heard. Anything less is a scandal and an outrage.

ELEANOR OWEN TEAGUE
Columbia, Mo.

People's Fo

Water survey chief deserves better

To the editor:

Enclosed is a copy of a letter I sent to Gov. Edgar.

I am writing to you as a concerned citizen and as a friend of Dr. John O'Connor who is the chief of the Illinois State Water Survey.

O'Connor has been barred from his office and his work pending investigation of several claims of discrimination and other misdeeds. My concern is that O'Connor has not been able to present his side of the story and that further punitive action may be taken without any real investigation.

I have known John well for over 10 years. Because I value his friendship, have high regard for his integrity, and admire — if fact, am in awe of — his dedication and reputation in the field of water research, I am sure he will be vindicated if you follow the basic principles of justice and due process in investigating any charges.

If, however, you allow the Board of Natural Resources and Conservation to terminate his employment simply by not renewing his contract without offering any proof of his guilt, you and the water survey will lose the respect of many people. The citizens of Illinois deserve better. The water survey deserves better. And, particularly, a respected scientist and truly great person deserves better.

I implore you to do what is fair and just and disregard what seems to be "politics as usual."

MARCIA J. SMITH
Columbia, Mo.

Tuesday, August 17, 1993

Sunday, August 22, 1993

People's Forum

Give Dr. O'Connor a fair hearing

To the editor:

This is a copy of a letter I faxed to the Gov. Edgar's office.

I am writing to you about the charges that have been made against Dr. John O'Connor, the suspended chief of the Illinois State Water Survey. I have known John O'Connor for at least 20 years. In this time there has never been the slightest reason for me to believe that he has been other than a friend of the highest moral standards and an outstanding scientist of impeccable honesty.

From all I have been able to read about the charges against him, it seems to me Dr. O'Connor is being persecuted for doing the job he was hired to do — act as an impartial professional scientist. He refused to substitute a "politically correct" charade in the place of open scientific discussion.

However, regardless of what I may think, O'Connor has a basic right to an open, honest investigation of the serious charges against him. At present, though he has been placed on administrative leave since early May, as of yet he has not received a full list of specific allegations against him, nor have his accusers been named.

The investigation against him creeps along with no end in sight — if, indeed such investigation is taking place at all. Apparently they can choose to terminate his contract without explanation or comment or without ever listing specific allegations, naming accusers or giving Dr. O'Connor an opportunity to defend himself. — in other words, destroy him professionally and financially and only then get around to an "investigation."

I urge the Governor's Office to intervene to give Dr. O'Connor his basic constitutional right to a fair and impartial hearing of the charges against him before punishment is carried out. To hold a hearing on contract renewal before the completion of any official investigation of the charges is an outrage. Please intervene in the name of simple justice.

BRETT PRENTISS

Columbia, Mo.

Wednesday, August 25, 1993

THE CHAMPAIGN-URBANA NEWS-GAZETTE

State asks judge to throw out O'Connor suit

By MICHAEL HAWTHORNE
News-Gazette Staff Writer

DANVILLE — State officials are asking a federal judge to throw out a civil rights lawsuit filed by suspended Illinois State Water Survey Chief John O'Connor.

In court papers filed last week, the state argues that the U.S. District Court in Danville has no jurisdiction to grant O'Connor his wish to be reinstated immediately as survey chief.

The 60-year-old scientist has been on paid leave since May 5 while state officials investigate allegations that he misused survey funds, discriminated against foreign-born employees and sexually

harassed a worker and a visitor to the Champaign-based survey.

O'Connor denies the charges. He says state officials leveled the allegations because they were worried about possible political fallout from a ethanol conference sponsored earlier this year by the survey.

The conference, held April 26-27 in Champaign, featured speakers that officials in Gov. Jim Edgar's administration believed were anti-ethanol.

Edgar is among several farm-state officials pushing the federal government to adopt a nationwide pollution-control plan that promotes the addition of corn-

based ethanol to gasoline.

U.S. Magistrate Judge Robert Kauffman on Friday allowed state officials to seek a dismissal of O'Connor's lawsuit rather than respond to charges that his civil rights have been violated.

Assistant Attorney General Deborah L. Rose says O'Connor's claim that his reputation has been damaged doesn't involve federally protected constitutional rights.

And even though O'Connor is prohibited from talking business with survey staff or publishing under the survey's letterhead, Rose said, the conditions of his leave don't forbid him from dis-

cussing his scientific views in other forums.

Rose said those are reasonable actions for an employer to take when an employee is being investigated for official misconduct.

O'Connor's attorneys have until the first week of October to respond.

"Obviously we disagree with their claims," attorney Carol Dison said of the state's motion. "I think the important issue is how long they've taken to complete this investigation."

State officials say they expect the four-month-old inquiry to be completed within the next few weeks.

People's Forum

O'Connor treatment violates fair play

To the editor:

This is a copy of a letter that has been sent to the office of Gov. James Edgar of Illinois.

I am greatly shocked and distressed to learn that the Department of Natural Resources has placed John O'Connor, chief of the Illinois Water Survey, on administrative leave without giving him any specific reasons for this action.

Losing O'Connor to the state of Illinois was a great disappointment to his many admirers in Missouri. The University of Missouri and the Department of Civil Engineering miss a champion of fair play as well as a professor of great intellect. His devotion to his work and to his students is well-known, not only in Missouri and the United States, but also in many areas of the world.

What is particularly appalling is the lack of due process in the manner in which this whole matter has been handled, or more properly, mishandled. O'Connor has apparently been charged with vague allegations of harassment and discrimination without any specific evidence being provided that such actions actually took place.

It is inconceivable that while he was chairman of the civil engineering department at the University of Missouri-Columbia for 17 years there was no indication of such behavior, and that his conduct changed radically within months of assuming his duties at the Illinois State Water Survey.

O'Connor does not deserve the arbitrary treatment he has had to suffer to date and its deleterious effect on his professional reputation.

I strongly urge you to restore him to his position as chief of the water survey; that action will further not only O'Connor's reputation but yours as well. To dismiss O'Connor would be a waste of a precious resource for your great state.

RICHARD A. WATSON
Columbia, Mo.

Sunday, September 12, 1993

THE CHAMPAIGN-URBANA NEWS-GAZETTE

People's Forum

O'Connor allegations don't make sense

To the editor:

I am appalled and disturbed to note the manner in which Dr. John O'Connor, chief of the Illinois State Water Survey, has been treated by the State of Illinois Board Of Natural Resources and Conservation.

I have known John for the past 31 years, both personally and professionally, and have never known him to be prejudicial in his actions. I have served as a professor of civil engineering when he was the chairman of the department at the University of Missouri, Columbia.

He was a fair and an impartial administrator. Under his supervision many foreign students have obtained graduate degrees and are now holding responsible positions either at a university or in industry.

I am only one of many foreign-born employees who have enjoyed working with him. I have never known personally or heard from others that he was prejudicial or discriminatory toward anybody.

The allegations against him seem to be totally opposed to everything that I know about John as an employer or as an individual. I share this feeling with many others.

He deserves a fair and an impartial hearing to present his point of view. Hopefully, the state of Illinois will see it fit to give O'Connor the opportunity to continue to function as the chief of the water survey.

The beneficiary of this action will be the people of the state of Illinois.

SHANKHA K. BANERJI
Columbia, Mo.

Tuesday, September 14, 1993

THE CHAMPAIGN-URBANA NEWS-GAZETTE

Opinions

Marajen Stevick Chinigo... Board Chairman/Publisher
 John C. Hirschfeld President/CEO
 John R. Foreman Editor in Chief

'America, America, God shed His grace on thee; and crown
 thy good with brotherhood, from sea to shining sea.'

A procedural farce

From the outside looking in, it's hard to determine the merits of allegations of impropriety against Dr. John O'Connor, the suspended chief of the Illinois State Water Survey.

But it's not difficult at all to conclude that the procedures and vague allegations used against him are an affront to the concept of fundamental fairness. O'Connor has been professionally smeared without being given an opportunity to defend himself. Indeed, he has yet to be told what specifically he has been accused of doing, making it all but impossible to prepare a defense.

Dr. O'Connor was suspended May 5 from his job at the water survey. While continuing to pay his salary, state officials from the Illinois Department of Energy and Natural Resources barred him from having any contact with colleagues at the water survey and changed the locks on his office.

State officials maintain that the suspension was not intended as a punitive measure, that it was necessary while charges of impropriety are investigated. But that declaration is a hollow one, considering damage to O'Connor's professional reputation.

So what are the charges against him?

O'Connor's lawyer, Steve Beckett of Urbana, has asked for specifics but received no response.

Apparently, there is a laundry list of charges, still under investigation and subject to modification. Allegations of sexual harassment. Allegations of racial prejudice. Allegations of financial impropriety. It's all pretty damaging and, so far at least, pretty vague.

O'Connor and his lawyer suggest there's another explanation, that the suspension is the result of petty politics as a result of a survey-sponsored conference on ethanol. Apparently, O'Connor's superiors were unhappy that critics of ethanol were invited to participate.

Whether that prompted the suspension is, of course, just one version of events.

Unfortunately, there's no telling when this episode will be concluded. While O'Connor has filed a federal suit seeking reinstatement, state officials continue their leisurely investigation.

It's a disgraceful situation, one that ought to worry anyone who believes in the basic concept of fair play.

— Jim Dev

People's Forum

O'Connor is tops in his profession

To the editor:

It is no wonder that Dr. John O'Connor, former chairman of civil Engineering at University of Missouri at Columbia, was hired to fill the position of chief of the Illinois State Water Survey.

According to those in the field of water research, our state could hardly find an individual more knowledgeable and informed about water and water related matters than Dr. O'Connor. It is of interest and perhaps revealing to others unfamiliar with his career that he received a deferment from military service by the draft board in his neighborhood, the Hell's Kitchen area of the Bronx in New York City because he was the only young man there attending college.

O'Connor had earned one of the scholarships offered by the Cooper Union. Appreciating deeply the educational advantage and privilege awarded him, O'Connor has sought ways throughout his career to repay his debt to Cooper by contributing any knowledge he has gained toward solving environmental problems.

The public should be made aware that, unlike many administrators, O'Connor still maintains an active role in research as well as attending to administrative responsibilities that are part of his important job. As any responsible scientist would, he bases his decisions about our water and our environment on facts rather than on politics, which is something for which we, the public, should be grateful.

The unprofessional manner in which the Illinois Department of Energy and Natural Resources has chosen to investigate alleged problems dealing with O'Connor's management practices has left questions in my mind, not about him but rather about how politics has influenced the department of energy and natu-

framed and that once hung in my father's law office: 'I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have. I must stand by anybody that stands right. Stand with him while he is right, and part with him when he goes wrong.'

Based on what I know of John O'Connor, I choose to stand by him.

SANDRA BATZLI

Urbana

November 2, 1993

Dr John H. Yopp
Associate Vice President for Graduate Programs
Woody Hall
Southern Illinois University
Carbondale, Illinois 62901

Dear Dr. Yopp

This letter is written to express my continuing support for Dr. John T. O'Connor and my concern for the State Water Survey. In the past 17 years I have found SWS to be a fine and special place to work, but this has not been true, at least for me, since May 5, and I have concern that this negative atmosphere may continue too long into the future. Since early May I have spent a great amount of time listening, discussing, and examining the John O'Connor situation. As one of the leaders at the Water Survey I feel it was my responsibility to analyze the situation so that I could provide an informed opinion on the situation. I have shared much of my information with a small number of senior staff at SWS and have been seeking advise on what other actions I should take. I sense that my "advisors" have tended to be concerned that I put my personal future at the SWS in considerable jeopardy by communicating with the Board of Natural Resources and Conservation (BNRC) on this issue, and that the risks may exceed the benefits. With this in mind I have decided to initially attempt to have a dialogue with a single BNRC member. *One sentence deleted.*

Before commenting further on the Dr. O'Connor situation, I would digress to indicate that after teaching at Rensselaer Polytechnic Institute for four years, I joined the SWS in 1977 as an acid rain researcher. Therefore almost all of my professional career has been spent at SWS where I have been very satisfied and challenged, and have headed the Atmospheric Sciences Division since 1989. Having been very pleased with my role at SWS and specifically my role in building the Atmospheric Chemistry programs, the last few months have been especially disappointing.

As you probably remember I was present with Dr. O'Connor late on May 5, as the subgroup of the BNRC was departing from the SWS conference room. I asked a few questions of the ENR staff at that time. To explain my presence, I would indicate that when Dr. O'Connor was excused from the meeting at about 4:30 PM on May 5, he came to my office. He was very shaken, upset, surprised, and, to my view, devastated by the action being put in place. He simply asked if I would be willing to come to the front of the building to stand beside him, to perhaps indicate that at least one person felt he was not entirely worthless to SWS. I agreed to his request without hesitation, and would now be embarrassed and disappointed if I had chosen not to stand beside him. I do not think that the simple questions that I then asked suggested that I questioned the merit of the actions being taken against Dr. O'Connor. I am confident that the subgroup of the BNRC, given the information put before them and the requirement for a quick decision, made a reasoned decision. On the following morning the information was relayed to me that Director Moore was very disappointed with my actions on May 5, and that he was considering putting a letter in my personnel file. Perhaps this was done. It was also relayed to me that Director Moore felt Stensland was (or might) carry out a campaign on behalf of Dr. O'Connor. Such comments would seem to have been designed to have an intimidating effect, and in fact they probably did. On Saturday, May 8 I moved several boxes of files out of my office, hoping that no one saw me do this.

As you know, CMS has been investigating allegations against O'Connor. Recently Acting Chief Peden indicated to me that they evidently were not going to interview me. Since the other three SWS Division Heads had been asked to meet with CMS, I assumed I would also be asked for input and was surprised to hear that this was not in the plan. *One sentence deleted here.* An additional surprise to me was the process of the CMS interview with my employee, Dr. Naihui Song,

concerning the issues of discrimination of foreign nationals and permanent residency. In the meeting with CMS, Dr. Song indicates that he basically said that he had no complaints about Dr. O'Connor in these areas. CMS then indicated that it was thus not necessary to formally tape record his responses. These two events suggest to me that their investigation to date has been designed to only discover material which would support allegations against Dr. O'Connor. My general concern is that the reports (including those by CMS) to be reviewed by the BNRC may not be balanced related to the tenure of Dr. O'Connor.

I believe that I am aware of most of the allegations against O'Connor and based on personal knowledge, plus what I have been told, it appears that a majority of the allegations should never have been given plausibility by writing them down. A view that I have, and that others have expressed to me, is that those wanting Dr. O'Connor dismissed from SWS seemed to come up with a long list of allegations with the hope that a long list would ensure success. If many of the allegations are dismissed due to being unsupportable then I think the people and process that developed the allegations should be carefully examined to see if improper actions were taken in developing and proclaiming the allegations. I think this should occur even if Dr. O'Connor is reinstated, as I expect he will be.

Searching for and selecting a Chief is a obviously a major activity, representing a large number of man-days of effort. After a successful search the organization should be committed to working hard to let the Chief be successful in his new job. If the new Chief is aggressive in seeking to improve the organization, as I believe was the case with Dr. O'Connor, then I think it is inevitable that some staff concerns would arise. It seems to me that O'Connor's supervisor should have been meeting with Dr. O'Connor, discussing issues of concern, and if necessary developing strategies to address concerns such that the Chief can have time to get his programs going. This is even more true when Dr. O'Connor's first six months at SWS required him to make plans for a reduced state budget, an activity which will always lead to tensions. In short the extreme personal management approach used on Dr. O'Connor seems to have been unreasonable and unfair. If some of the allegations triggered this extreme approach and basically none of these allegations are found to have merit, then it would seem especially necessary to critically examine the process.

You may know that I was the lead organizer for the controversial ethanol conference. I have extensive documentation of the comprehensive effort that the five member organizing committee expended to develop a good technical meeting. The organizing committee included two University of Illinois faculty members and three senior scientists from the SWS. I also have documents to show that very strong pressure was applied to me to change the program, to inhibit discussion that would explore some of the concerns about using ethanol as well as the advantages of using ethanol. I would be happy to discuss this effort to show how Dr. O'Connor's role developed. My view is that the ethanol issue may have been the final activity which convinced O'Connor's Springfield critics that they needed to find a way to get him out.

I am now aware of events/activities that involved a very small number of very senior SWS staff that I believe provide a pattern to help explain why Dr. O'Connor ended up with a long list of allegations. I would be willing to describe these incidents for you so that you can judge how important they might be in explaining why the long list of allegations were developed to force the Chief out. In my opinion this group misunderstood and in some cases just would not accept valid, reasoned, fair, and appropriate decisions by Dr. O'Connor. They were not willing to have changes in SWS procedures and programs which seems inevitable if one has a Chief that wants to improve his organization.

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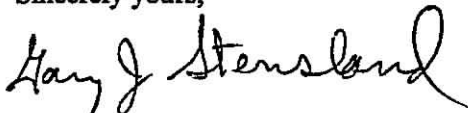
In the past six months I have heard information that flowed from BNRC members or SWS staff to ENR staff and back to certain SWS staff. Since a few SWS staff were clearly very active in assisting ENR in developing the allegations, it is not surprising that they have been privy to details of the ongoing investigation. *One sentence deleted.* Certainly I am willing to meet anytime with BNRC members to provide information and to answer questions but I would strongly request that no ENR staff be present.

I have attached a separate two page document discussing issues related to Dr. O'Connor. I have written it to reflect what I think are some views of many SWS staff members. It duplicates some views expressed above but also includes additional issues.

Is there a possibility that you would be willing to meet with me in Carbondale? The meeting could be declared entirely "off the record". If you would find it useful I am sure Van Bowersox would be willing to speak with you or accompany me to Carbondale to meet you. He can confirm that I have sensitive information relevant to the allegations against Dr. O'Connor, that I take any job very seriously, and that I can be trusted to maintain confidentiality of any discussions that we might have. With your busy schedule I certainly appreciate your willingness to read this material and hopefully to provide me feedback. Based on my current knowledge it does not appear that O'Connor has committed actions that warrant him being asked to resign. On the contrary it appears to me that he has been mistreated in several respects. It is unfortunate that this issue has received so much media attention but it appears to me that Dr. O'Connor probably had no other effective avenue available to him. I feel strongly that after 4 to 5 years the SWS would have become stronger under his hard work and his reshaping of some programs. I still hope that this can be accomplished.

Thank you for your consideration of the issues raised in this letter. My intent is certainly not to criticize you or the BNRC. I certainly realize that the O'Connor issue is not a pleasant one for the BNRC and my only purpose is to try to assist in seeing that an appropriate conclusion is reached.

Sincerely yours,



Gary J. Stensland, Ph.D.
Principal Scientist and Head,
Atmospheric Sciences Division
Illinois State Water Survey
(217)-244-2522 (office)
(217) 344-7919 (home)

November 2, 1993

Some Thoughts and Concerns Related to Dr. O'Connor, Chief, SWS, Being Put on Administrative Leave


1. First it should be recognized that the Illinois State Water Survey Staff (SWS) staff have been provided no official information about the O'Connor issue by the Department of Energy and Natural Resources (DENR) staff in Springfield or anyone else; nothing related to the allegations, the process and timing of the investigation, or how they might provide input without fear of such input affecting their jobs and careers. The rumor mill of course has been active and the newspapers have published related items on more than 20 occasions.
2. The SWS staff should feel fortunate in that the Board of Natural Resources and Conservation (BNRC), a high quality board, is part of the process to evaluate and judge the Chief's of the scientific surveys. If the SWS were a conventional state agency, then the evaluation and judgment of issues would surely be influenced, to a substantial degree, by the short term objectives of the specific agency and perhaps by elected officials.
3. Many SWS staff have probably remained silent on the O'Connor issue because of strong concern about their jobs. They can see that information leaks freely between SWS and staff at the DENR in Springfield. For example, in September the SWS rumor was that "they" had found one charge that would stick. Certainly this information originated at DENR in Springfield. Also the senior SWS staff have heard of a past instance where concerns expressed by SWS staff to the BNRC about a Chief had quickly reached DENR in Springfield and then quickly travelled back to the SWS. Perhaps a mechanism should be available such that supporters (or those with no opinion but concerned about the process now in place) of O'Connor can provide information without fear of reprisals.
4. Many SWS staff are probably disappointed in how the Chief has been treated in that they feel that other SWS staff would likely have received different treatment. Other SWS staff would perhaps have had meetings with their supervisors and/or written warnings of such things as misuse of state cars or telephones, sexual harassment, and discrimination charges before being told of a litany of charges and locked out of their office. Certainly not all the allegations against Dr. O'Connor occurred at once so it seems that there should have been a series of meetings and written warnings before O'Connor was locked out of his office and effectively told that he could not speak with SWS staff. I think many at the SWS are somewhat embarrassed or at least disappointed about the process as it appears to have been handled.
5. Some SWS staff are probably concerned about who is directing the investigation. It seems obvious that since some of the senior staff at the DENR in Springfield were involved in developing the allegations against O'Connor that they should perhaps not have a direct role in the investigation. Perhaps they, like the SWS staff, should provide information when asked or if they want to volunteer information. Perhaps the DENR should not be the recipient of investigative reports (oral or written) and should not be present for any BNRC deliberations when the investigative reports are discussed. Allegations of the seriousness of those that have been listed in the newspapers should perhaps be investigated independent of the accusers.
6. Perhaps the method by which the allegations were developed by the DENR and SWS staff against O'Connor should be evaluated and investigated. A view by many is that the allegations have been "heaped up" on O'Connor with the idea that something will be found to get him out. If the majority of the allegations are found to be without substance, as many at the SWS feel they will be, then perhaps the BNRC should seek information as to how this occurred so that it hopefully would not happen again. Did those developing the allegations act in a proper and responsible manner? Rumors at the SWS would suggest that there were some problems in this area.

7. Before any final decision is made about O'Connor all the allegations should perhaps be investigated. The concern of some staff is that ,analogous to the the NCAA investigation of the University of Illinois basketball program, the final impression could be that even though the allegations could not be proven, since there were so many, some were probably true.

8. The BNRC may feel that O'Connor's Sept-May tenure had lead to a state of very low moral (and thus it was only a matter of time before he would be in a difficult situation). This was stated in the letter to the DENR from the University of Illinois official. It appears that it was a small but vocal and influential group that had this opinion, and it appears that they had undo influence due to the many negative rumors that were developed.

9. Finally the BNRC may feel that O'Connor would have little support if he returned as Chief. Many of us do not share this view but some have commented that they do not know why Dr. O'Connor would want to return to work at the SWS.

To: "Save Our Surveys" Supporters and Friends

From: John O'Connor 

Re: Central Management Interrogation (Friday, Oct. 29, 1993)

178 days after being ousted as Chief, I was given a chance to talk to the CMS attorney investigating complaints against me. It immediately became clear to my attorney, Steve Beckett, and me that the investigation was directed at me and not at determining the validity of the allegations.

To our astonishment, David Woodruff, the CMS attorney, stated that he had not been provided the complete listing of vague allegations given me and the Board of Natural Resources and Conservation on 11 May 1993. He did seem to know that I was only provided with the allegations three days after they had been published in the newspaper. It was necessary for us to show Mr. Woodruff the allegations of sexual harassment. He claimed that Stanley Yonkauski, whom he described as "cooperative", provided him with a "modified" list of allegations. Typically, this was not provided to me or my attorney. Mr. Woodruff indicated that the sexual harassment allegations were of no consequence, so he chose not to undertake to investigate them.

Overall, Mr. Woodruff did not address six of the ten allegations initially levelled at me. Presumably, he judged there was not enough substance to warrant their investigation. Instead, he addressed only those issues which, through hearsay evidence, he felt I might be vulnerable. Correspondingly, he had talked only to a handful of disgruntled employees who felt that I was guilty of discrimination. They complained of my deliberate (presumably, unfairly slow) handling of an application for permanent residency. They also objected to the budget accountability I required of two of the 53 research proposals I approved as Chief. On a third proposal, I was challenged for having recommended a change in the title of a proposal to one which more accurately reflected the work being promised.

I am angrier than ever as it is now still clearer that there was never any substantive basis for any of the allegations. Even though the particularly damaging sexual harassment allegations were known to be fraudulent from the very start of my trial, no effort was made to acknowledge them as fraudulent and mitigate the damage they would ultimately do to me when they became part of the national news.

It is also clear that the accusers injured and defamed my graduate advisee, Bob Bowen. Mr. Woodruff chose not to interview Bob because it would merely confirm that the allegation against him was fraudulent and the attack on a University student would further embarrass Director Moore and those who propagated this cruel accusation.

Although I was initially accused of three counts of improper hiring practices, not a single mention was made of these in my four and one-half hour questioning by Mr. Woodruff. He failed to disclose the sources of the false allegations, much less document them for the record.

I believe that, at the outset of the investigation, the CMS investigator was directed to find me culpable in some respect and to avoid detailing the validity or source of the allegations. Accordingly, I plan to insist that each of the allegations be fully investigated. Those having knowledge of the specific events, not just those who leveled the accusations, should be interviewed if the investigation is to be "complete and fair". If all of the anonymous accusations prove to be patently fraudulent, as it now appears they will be, it is essential to me that the accusers and their underlying motives be determined. The CMS investigator has clearly not considered the possibility that the entire sequence of actions taken against me served a political objective.

At this point, I anticipate total vindication, even if the CMS report is not completed. No substantive adverse evidence has been forthcoming. I feel certain that unbiased judges will be outraged that such meager evidence was used to oust me from office and injure my personal and professional reputation.

Despite the full day of responding to questions, I did not have the opportunity to address those issues which the CMS investigator conveniently chose to ignore. I have insisted that the interview reconvene so I can place my statements and defense on the record. The date for my response has now been set for 20 November 1993. With the additional interviews that will be subsequently required for a balanced, complete investigation, it is extremely unlikely that the CMS report will be completed prior to 30 November when the Board of Natural Resources and Conservation next meets. If the CMS report is submitted prematurely, it will, perforce, be biased and incomplete.

I want to thank you all for your many kindnesses and support. The outpouring of good wishes and confidence sustained us. In some instances, your words of comfort brought tears to our eyes. If we had not faced this evil, we might not have known of your innermost, heartfelt feelings.

We cannot adequately express our gratitude for your confidence during this prolonged nightmare. We anticipate vindication by Christmas.

Committee for the Protection of the Scientific Surveys

1208 West Union Street
Champaign, Illinois 61821

217 352 3646

Bruce Babbitt, Secretary
1849 C St. NW
U. S. Department of the Interior
Washington, DC 20240

January 27, 1994

Dear Secretary Babbitt,

We write to inform you of a situation which concerns us deeply and which we believe will concern you as well. It threatens to undermine the scientific integrity and century-old reputation of the Illinois State Scientific Surveys (Water, Geological and Natural History), housed on the University of Illinois campus. Administrative actions of questionable propriety, in violation of accepted norms of due process and fairness, were taken by the Surveys' parent agency, the Illinois Department of Energy and Natural Resources (DENR). These are making it difficult for Survey scientists to investigate objectively and speak truthfully on important energy and environmental issues without fear of politically motivated retribution.

Very briefly, the matter revolves around the sudden, summary suspension and lockout of the Chief of the State Water Survey, Dr. John O'Connor, last May 5th. Dr. O'Connor has been denied access to his office, laboratory and library. Dr. O'Connor is an internationally respected specialist in drinking water quality who had been selected, only months earlier from a field of 60 candidates, to head the Survey. Prior to that, he was for many years, head of the Department of Civil Engineering at the University of Missouri.


The "investigation" of Dr. O'Connor has been underway for more than eight months. He has not yet been given a hearing with an opportunity to present his case, confront his accusers, clear his name and be reinstated in his position, if the facts warrant it.

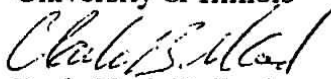
The enclosed newspaper articles and letter provide background on the sequence of events: 1) the Water Survey's cosponsorship of a scientific conference (the impact of ethanol fuels on air quality); 2) a dispute over political intervention by DENR in structuring the program for those conferences; 3) a "skull and cross bones" memo sent by the Director of DENR; and 4) the dismissal of Dr. O'Connor; 5) the chilling effect on Survey scientists' ability to conduct independent, unbiased scientific inquiry.

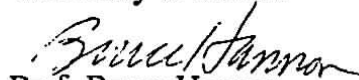
Your Department provided last year no less than \$17 million to the State of Illinois. We ask you to investigate immediately whether any of these Federal funds are being used to support administrative abuses or the stifling of scientific inquiry.

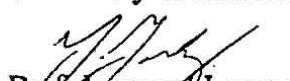
Thank you for your prompt attention in this matter.

Sincerely,

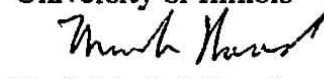

Prof. L. E. Boyer
University of Illinois

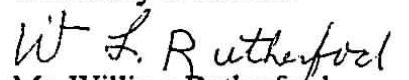

Prof. Clark Bullard
University of Illinois

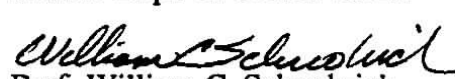

Prof. Bruce Hannon
University of Illinois


Prof. Leonard Lopez
University of Illinois

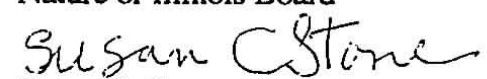

Prof. D. A. Pecknold
University of Illinois

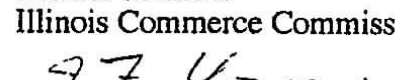

Prof. Mark J. Rood
University of Illinois


Mr. William Rutherford
Former Director
Illinois Dept. of Conservation


Prof. William C. Schnobrich
University of Illinois


Mr. Jeffrey R. Short, Jr.
Nature of Illinois Board


Susan C. Stone
Former Member
Illinois Commerce Commission


Prof. J. F. Young
University of Illinois

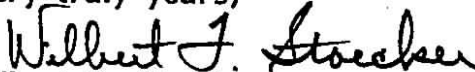
1506 South Maple St.
Urbana, IL 61801
March 4, 1994

Governor James Edgar
207 State House
Springfield, IL 62706

Dear Governor Edgar:

This situation is perceived by many as being a personal vendetta by a department head and has squandered several hundred thousand dollars. I hope that the situation can be resolved honorably, because this is not the type of publicity needed during a gubernatorial campaign.

Very truly yours,


Wilbert F. Stoecker

A-4

THE CHAMPAIGN-URBANA NEWS-GAZETTE

Monday, January 31, 1994

Opinions

Marajen Stevick Chinggo... Board Chairman/Publisher
John C. Hirschfeld President/CEO
John R. Foreman Editor in Chief

'America, America, God shed His grace on thee; and crown
thy good with brotherhood, from sea to shining sea.'

An explanation is due

Now that another aspect of the investigation into ousted Illinois State Water Survey Chief John O'Connor has fallen flat, the public must be wondering just what is going on.

Well, the people running the investigation don't have much to say about when or if it's ever going to end. So maybe it's time someone else in the government, the legislative branch of government, started demanding some answers.

For those not familiar with what's showing every sign of being a witch hunt, John O'Connor was the chief of the Illinois State Water Survey until May 5 when he was summarily suspended from his duties. Armed with a laundry list of vague but damaging charges, officials with the Illinois Department of Energy and Natural Resources sought to force his resignation.

O'Connor refused and has been fighting for his job ever since.

He keeps winning minor skirmishes. But still O'Connor finds himself on the outside looking in, while his reputation remains stained, perhaps irrevocably, by charges of misconduct.

Initially, state officials made allegations of sexual harassment. But in No-

vember, state personnel officials said there was nothing to that.

Meanwhile, state police investigators looked into charges of misuse of state telephones and a state car. Last week, the local state's attorney's office reviewed that report and announced there are no grounds for pursuing a criminal case against O'Connor.

So what's left? Apparently, there are still more allegations under state investigation, including bias against foreign-born employees at the water survey.

But the state is mysteriously dragging its feet, while O'Connor and his lawyer keep repeating requests for a hearing before the Board of Energy and Natural Resources and an opportunity to confront his accusers.

It's always dangerous to draw conclusions without all the facts. But it looks as though the state has painted itself into a corner and is having a hard time locating an escape route.

Maybe it hasn't. But the public deserves an accounting of what's happened here so it doesn't happen again.

— Jim Dey

2118 Robert Drive
Champaign, IL 61821

8 December 1993

Herbert Gutowsky, Secretary
Board of Natural Resources and Conservation
Department of Chemistry
University of Illinois
177 Noyes Laboratory
Urbana, IL 61801

Dear Prof. Gutowsky,

I have become aware, through indirect sources, that the investigations of me may be about to conclude and that the Board of Natural Resources and Conservation (BNRC) will then have a meeting at which my future as Chief of the Illinois State Water Survey is to be decided. Naturally, this is merely hearsay as I have never had the courtesy of any official communication on the progress of the investigations. I do not know whether members of the BNRC have yet given any thought to the procedural aspects of this meeting. I even wonder if it might be proposed that I be called to appear at the meeting, never having read the completed investigative reports, and be asked to give a five or ten minute statement, after which the Board will vote on the merit of the allegations against me. Even a brief consideration of this scenario makes clear the unfair disadvantages to which I would be exposed under such a procedure.

The BNRC has reaffirmed several times its dedication to protecting the independence of the state scientific surveys and to guaranteeing a thorough investigation of me and a fair procedure. For this reason, I am sure that you will want to confer with me well in advance of any BNRC meeting at which my future as Chief will be decided so that we may come to some final agreement regarding what constitutes "fair procedure." I would like to come to a written agreement with a representative of the BNRC other than John Moore concerning the elements of fair procedure at the upcoming BNRC meeting. I, too, am interested in nothing more than fair procedure because I am convinced that, given a legitimate opportunity to respond to the Board concerning the charges against me, I can show that I am innocent.

As minimal procedural guarantees of fairness, I request:

1. receipt of the Central Management Services and Illinois State Police reports not later than one month in advance of the meeting,
2. receipt of the transcripts of the testimony of all witnesses upon which the two reports are based not later than one month in advance of the meeting,

3. opportunity to present written interrogatories to material witnesses not later than three weeks in advance of the meeting - answers to be received not later than 1 week in advance of the meeting, any witness having the prerogative to decline to answer written questions in favor of oral questioning at the meeting,

4. for all written questions not answered prior to 1 week in advance of the meeting, opportunity to call and question witnesses at the meeting,

5. the opportunity to bring into all sessions of the meeting up to three assistants,

6. that I be accorded as much time as I require to address adequately issues raised in the investigation reports,

7. that the meeting be open to the public,

Finally, I am deeply concerned that Chairman Moore will be one of the voting members of the Board when they consider the charges against me. I am sure that each member of the Board is acutely aware of the Chairman's actions against me and other staff of the Water Survey who were involved in planning the ethanol symposium. The possibility that he had political or malicious motivation, in compiling and compounding the charges against me must be considered. In order to avoid even the appearance of impropriety, I believe the Board should exercise its authority to ensure that Director Moore is precluded from directing this hearing and from voting on the issue of my continuance in office.

I am looking forward to the chance to defend myself before my scientific colleagues. I feel certain that I can establish my innocence of all of the charges against me. I have endured the countless indignities of the past seven months because I believe in the important work of the Water Survey and because I am fighting for an important principle that should be of concern to all scientists and scholars. I hope that you will understand my requests in this light and realize that I am eager to establish the truth about my tenure as Chief of the Water Survey.

Sincerely,



John T. O'Connor, Chief
Illinois State Water Survey

COMMENTS RE: Board of Natural Resources and Conservation Letter, February 16, 1994

-- the Illinois State Police report was not provided to me, nor were any transcripts related to either report provided.

-- although BNRC recognizes that I have retained counsel, my counsel was not given the courtesy of being contacted before the March 9, 1994 meeting date was set. He is in trial on that date.

-- the BNRC letter, for the first time after pending for nine months, officially advises me that the "investigations did not substantiate the allegation of sexual harassment of visitors and staff of the Survey." Since there is actually no indication that any investigation was ever made of this issue, the statement might more properly indicate that the charges were "uninvestigated" rather than "unsubstantiated." The authors of these false allegations were, of course, not revealed.

Worse, it is now clear that, while these charges were made and communicated through DENR to the public on or about May 11, 1993, DENR never communicated them to The CMS investigator. Presumably, since they were known to be false at the outset, they would not be useful in an investigation aimed at discrediting me. I advised the CMS investigator of the existence of these charges on October 29, 1993. Because I complained of the lack of integrity of those in State government who allowed these charges to languish and create maximum damage to my reputation, a CMS spokesman hurriedly denied the validity of these charges to the press even prior to the release of the CMS report. Naturally, I was not officially advised of this finding.

At this point, DENR and the BNRC would prefer to dismiss this assault on my reputation and focus on the remaining issues. However, if the most damaging charges against me are admittedly, patently false, what effect should this have on the credibility of the full range of other, lesser charges. Moreover, are those who concocted the vicious charges of sexual harassment represented in other charges against me? If so, how will that bias be identified and eliminated from the investigative reports?

-- The Board rejected my appeals for minimum guarantees of a fair hearing in which I requested: a month to review the reports, an opportunity to question my accusers in writing or orally before the Board, and an open, public hearing.

-- the short time provided for my response seems aimed at minimizing the opportunity for me to develop an effective response. This is particularly difficult because I had not been apprised of some of the issues and charges before reading the investigative reports. It appears that, if the investigators failed to find evidence of wrongdoing in a given area (neither report addresses the widely advertised allegation of misusing a state vehicle), other investigations were undertaken to find some basis for filing a complaint against me (typing of "private research work"; shipping of equipment by UPS, \$13.65.)

-- although I twice gave testimony to the CMS investigator, this testimony was not transmitted as part of the CMS report to the Board. The Board was provided with a "Statement" I had prepared and distributed as part of my testimony.

Memorandum, General Counsel Stanley Yonkauski to BNRC, February 9, 1993.

-- having propagated the original list of allegations, including those of sexual harassment, and declared that "I'm guilty!", General Counsel Stanley Yonkauski hardly appears to be an uninterested party in my prosecution.

-- he does not believe the inquiry is an adversarial trial. Therefore, it is not necessary to hear from all possible witnesses in this matter.

-- as a special accommodation, though the State procedures specify five days, he recommended two weeks be allowed for my written response.

-- he recommended a closed meeting, as always, and

-- that I be allowed to bring an assistant or representative to the meeting.

-- the meeting is to be held in Springfield.

BECKETT & ASSOCIATES, P.C.

Attorneys at Law

J. Steven Beckett
Roger B. Webber
Carol A. Dison
Kelly James Lonergan
Peter T. Borich
Holly F. Clemons

508 S. Broadway
P.O. Box 988
Urbana, IL 61801-0988

Telephone: (217) 328-0263
Fax: (217) 328-0290

February 21, 1994

Herbert S. Gutowsky, Ph.D.
Professor of Chemistry
University of Illinois
177 Noyes Laboratory
505 South Mathews Avenue
Urbana, IL 61801

Re: John T. O'Connor, Ph.D.

Dear Dr. Gutowsky:

On Friday, February 18, 1994, I received a copy of the Board's February 16, 1994 letter regarding the "on-going investigation" sent to my client, Dr. O'Connor. That letter requires my client to provide a written response by March 2, 1994, and sets up a hearing date of March 9, 1994. I write to express my concerns and give you my comments regarding the procedural aspects of the process that the Board of Natural Resources and Conservation is utilizing.

I object to the participation of Stanley Yonkauski in the designing of any procedures or providing any input to the Board of Natural Resources and Conservation. He has demonstrated in my past contacts with him that he has a clear and complete bias against Dr. O'Connor. Moreover, he is extrinsically involved as a witness regarding the functioning of Dr. O'Connor and his requests for certain legal opinions regarding the employment status of Water Survey staff. He can in no manner be described as "independent" and to the extent he has already participated in the process that led to the February 16, 1994 letter, and would be involved in the future, it is in violation of my client's property and liberty interests under the Fourteenth Amendment to the Constitution of the United States.

Your letter makes reference to the fact that Dr. O'Connor has counsel. Obviously, Director Moore, Mr. Yonkauski, and even you are aware that I have been Dr. O'Connor's attorney since soon after May 5, 1994. Yet, no one had the courtesy to contact my office to

Herbert S. Gutowsky, Ph.D.
February 21, 1994
Page Two
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determine what my schedule was to see if the March 2 and March 9 dates were realistic dates for Dr. O'Connor and myself. Unfortunately, they are not. I have a trial scheduled in Sangamon County that directly conflicts with both of those dates and preparation for that trial also directly impedes with my ability to work with Dr. O'Connor on any written response. Given the number of allegations and the volume of material involved in this case (which I will be addressing shortly), the time limits imposed on Dr. O'Connor are ridiculous. It has taken the Board of Natural Resources and Conservation from May 5 (or before) up to February 16, 1994 to place this responsive demand on Dr. O'Connor, and he is being required to respond in two weeks.

The Illinois State Police and Central Management Services reports that were sent to Dr. O'Connor that I have had the chance to review are hardly "investigative reports." They are narrative documents which seek to summarize a large volume of material, which include the investigator's bias, and are replete with innuendo and incomplete statements. Many matters that are mentioned in the so-called reports have never been brought to Dr. O'Connor's attention and some of the allegations are still from unnamed sources. Any basic procedure that seeks to afford appropriate process is not a closed process. It makes available all material that is being utilized to accuse, and of course, it has reasonable time constraints. On Dr. O'Connor's behalf I desire and am entitled to unlimited access to the State Water Survey files, all interviews, tape-recordings and transcripts of interviews, and a reasonable time to respond to the allegations and be prepared for a hearing (or "meeting") with the Board. I respectfully request those items.

Finally, with respect to the evaluation of and attempted discipline, including discharge, of the Chief of the Illinois State Water Survey, Dr. O'Connor is entitled to know what statute the Board is proceeding under, what rules and regulations have been adopted in the past to handle such matters, and the specific authority under which the Board is claiming it is operating. If it is under the State Personnel Code then that should be identified. If it is under some other statute then that should be identified. If the Board has its own rules for evaluating the State Water Survey Chief and has done evaluations of the Chief in the past that should also be disclosed. Indeed, those evaluative materials on former State Water Survey Chiefs are absolutely relevant both procedurally and substantively in Dr. O'Connor's situation. I respectfully make demand for all evaluative materials on all State Water Survey Chiefs (permanent or interim) to be made available to Dr. O'Connor and myself. Dr. O'Connor is entitled not just to a process, but to a fair process, one that is open and provides him

Herbert S. Gutowsky, Ph.D.
February 21, 1994
Page Three
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with ample opportunity to respond to allegations, do his own investigation, if necessary, and permit him to vindicate himself. A process that is name-threatening should have as its goal the opportunity to be name-clearing.

To date the processes used by the Board of Natural Resources and Conservation, Director Moore, and Counsel Yonkauski have been designed exclusively for your benefit with little thought to the adverse effect on Dr. O'Connor. Dr. O'Connor must be given time to respond to the allegations, at least through and including March 31, 1994. A meeting with the Board can of course be established, but the ground rules should be set based on existing procedures, or procedures that are agreed to with Dr. O'Connor's input. I look forward to the opportunity of working with the Board in order to accomplish a fair hearing.

I am writing to you directly because of my objections regarding Mr. Yonkauski's role in the past. I am also providing a copy of this letter to the Attorney General's Office who is representing the Board of Natural Resources and Conservation in pending federal litigation. I do that because, notwithstanding the direct communication you have made with my client, you did provide a copy of a part of that communication to me. Accordingly, I am providing a copy to counsel of record for the Board, as well as to Mr. Yonkauski.

Very truly yours,

J. STEVEN BECKETT

JSB:dlp
pc: John T. O'Connor

Stanley Yonkauski
General Counsel for IDENR
325 West Adams
Springfield, IL 62704

Deborah L. Rose
Assistant Attorney General
500 South Second Street
Springfield, IL 62706



SINCE 1917

Board of Natural Resources and Conservation
325 West Adams Street
Springfield, Illinois

John S. Moore
Chairman

February 16, 1994

John T. O'Connor
2118 Robert Drive
Champaign, IL 61821

Re: Ongoing Investigation

Dear Dr. O'Connor:

The Board of Natural Resources and Conservation has received investigative reports from the Illinois State Police and the Illinois Department of Central Management Services (CMS) about alleged misconduct by you in your capacity as Chief of the Illinois State Water Survey division of the Illinois Department of Energy and Natural Resources. The Board has also received the document presented by you to the CMS investigator on November 20, 1993, which is entitled "Statement of John Thomas O'Connor." Based on the reports, the Board considers these allegations to be sufficiently serious, if correct, to warrant termination of your employment. -- and the false allegations?

The Board, with Dr. John Yopp as acting chair, met on February 14, 1994 to discuss the reports and to hear presentations from the State Police and CMS investigators. As a consequence, the Board is forwarding the reports to you for your written and verbal response. The Board has set March 9, 1994 as the date on which to consider your response to the investigative reports and to Board questions in closed session. The meeting will be held at 12:00 noon in the Board Room of the Illinois State Museum, Spring and Edwards Streets, Springfield, IL. The Board is aware that you are represented by counsel and such counsel may also attend and participate in the meeting. The Board plans to conclude its review of the allegations after receiving your response to them. -- even if the report is biased and incomplete? -- introduced bias, -- counsel not contacted re. date and conditions for meeting, -- only counsel?

Based on the reports, the Board has already determined that the investigations did not substantiate the allegation of sexual harassment of visitors or staff of the Survey, nor did they substantiate the allegation of improprieties in the hiring of Mr. Robert Bowen in the position of a graduate assistant. Accordingly, there is no need to respond to these allegations. The remaining allegations, as investigated by the State Police and the Department of Central Management Services and set out in their reports, should be addressed fully by you. These allegations include: -- without evidence, dates, origin of allegations, complaints? No evidence is provided. -- no access to files, witnesses? Was any investigation conducted? Unsubstantial implies examination of evidence.

The Board should address the gratuitous libel of Mr. Bowen as part of allegation (and in the report) against me.

The false accusations can not be dismissed without an investigation leading to a specific statement that the accusations were falsified. This has been the most damaging charge against me. Admittedly false, it undermines the credibility of the entire investigation. There is also evidence that DENR attempted to hide these charges from CMS.

I am challenging every single charge in detail.
Complete documentation of the source of allegations, specifics of complaints and statements (taped, transcribed) of complainants and witnesses should be provided me, so I can

1. Resistance in assisting foreign nationals employed by the Water Survey in obtaining permanent residency or other favorable visa status (applications for Nahui Song and Abiola Akanbi - pages 1 - 15 of the CMS report). *a proper defense.*
2. Delaying or denying approval for research projects on the basis of discriminatory race and national origin considerations (pages 15 - 25 of the CMS report):

All of these charges are inconsistent with the allegations initially provided me.

a. Physical Effects of Barge Tows on the Upper Mississippi River System - Amendment #9.

The sheer mass and number of issues would require that I be given adequate time to review the evidence and respond. No ISP report was provided and no substantive evidence was provided with the CMS report.

b. Sampling of Illinois Lakes

c. Small-Scale Rainstorm Climatology and Hydrological Effects

As this an effort to further compound the charges against me?

3. Improper interference with the hiring procedures for State Water Survey employees (pages 26 - 35 of the CMS report):

The short time for my response approved by the Board indicates an unwillingness to allow for a fair hearing. Considering the State has

a. Geographic Information System Position

b. Microbiologist Position

marshalled massive forces against me, invaded my files, recruited new charges, allowed the progressive development of allegations over 300 days, it seems that I am asked to prepare my defense in less than two weeks.

4. Imposition of budget reduction recommendations on the basis of racial or national origin considerations (pages 37 - 46 of the CMS report).

5. Cross-Allegation: The allegations of misconduct by John T. O'Connor are the results of retaliatory conduct by John S. Moore due to the State Water Survey sponsorship of an ethanol related symposium (pages 47 - 52 of the CMS report).

No mention of improper use of State vehicle? Another "Never Mind charge?"

6. Improper authorization to move non-Survey staff personal effects from Columbia, Missouri to Champaign, Illinois (Blaise Brazos' personal effects moved at State expense - pages 1 and 2 of the State Police letter).

7. Added to original allegations. Again, not documented.
Improper use of Survey staff and resources for non-Survey related activities. (Survey staff typing non-Survey related reports and correspondence and non-Survey related telephone calls to Columbia, Missouri - page 2 of the State Police letter).

Please provide copies of typing (reports, correspondence) and list of calls.

Your written, narrative response should be sent to Dr. H. S. Gutowsky at the following address: Dr. H. S. Gutowsky, Professor of Chemistry, University of Illinois, 177 Noyes Lab, Urbana, IL 61801, with a copy to Stanley Yonkausk, General Counsel, Illinois Department of Energy and Natural Resources, 325 W. Adams, Springfield, IL 62704. Such written response should be received no later than March 2, 1994, in order to allow adequate time for copying and dissemination to the individual Board members for their review prior to the March 9, 1994 meeting.

Mr. Yonkausk has declared me "guilty" early in the investigation. He has consistently exhibited extreme prejudice against me. The Board should not have permitted him to develop and investigate the charges against me, then, advise the Board to limit my opportunity to defend myself.

The documents provided are insufficient to determine the truth. The Board did not receive either transcript of my testimony to CMS

The Board has received a copy of all of the documents included with this letter. It is not necessary to send duplicates of any documents. The Board has considered these documents to be confidential and not subject to public disclosure without the authorization and consent of the affected parties. The Board has directed that you be provided with the enclosed Authorization and Release[?] in the event you have no objection to such disclosure. Your failure to execute and return this document to Stanley Yonkauski on or before the close of business on February 23, 1994, will be deemed by the Board as a refusal to grant such authorization.

Sincerely,

John Yopp by S.Y.
John Yopp, Ph. D.
Acting Chairman

Who would want the Board and General Counsel Yonkauski to propagate a patently one-sided and incomplete investigative report. When the H.S. Gutowsky by S.Y. report has been completed, I will be happy to have it distributed widely.

H.S. Gutowsky, Ph. D.
Secretary

cc: Board of Natural Resources and Conservation Members (w/o enclosures)
Steven Beckett (w/o enclosures)

A.S.D.C.

1. Sexual Harassment Charges

These are serious, disgraceful, totally false accusations which should have been denied immediately. The question now becomes, "Who knew these damaging accusations were false and why did they not come forward immediately to renounce them?" (DENR General Counsel, Stanley Yonkauskki)

Equally important is the question of who generated and propagated these allegations. What were their motives?

The charges of sexual harassment tell a special story in the investigation of the Chief of the Illinois State Water Survey. The CMS does not acknowledge that there was any author of these charges. No complaints were filed in this area despite the fact that two instances of sexual harassment are claimed in the list of preliminary allegations published by the DENR General Counsel. Based on presentation of these allegations to the Board of Natural Resources and Conservation, the Board voted unanimously to uphold DENR Director Moore's action in ousting me from office and placing me on administrative leave pending a prolonged investigation which spanned nearly a year.

Subsequently, the sexual harassment charges were withheld from David Woodruff, the CMS investigator, until, as he indicates, he requested information about them. (It should be noted that these sexual harassment charges had been referred to in, at least, a half dozen news articles in the State and national press by the time the CMS investigator purportedly made this request to the DENR General Counsel. It is also worthy of note that this request should not have been necessary as CMS was cited as having been provided a copy of the 11 March 1993 'list of preliminary allegations' when it was compiled and published by DENR General Counsel. All of this critical detail would be insignificant if it were not becoming increasingly clear that *both attorneys* may have been working to suppress these allegations because they knew they were fraudulent from the outset of the investigation.) Apparently, in June, when DENR General Counsel reportedly informed the CMS investigator that there were no complainants, no evidence and no one willing to claim authorship of the allegations, these charges were *discarded* as part of the basis for the CMS investigation.

The CMS investigator compounded the cover-up of the sexual harassment allegations by denying knowledge of or ever having received them in his 20 October 1993 interview with me. This is documented in the transcript and tape of that interview. However, by the time of his second interview with me, Mr. Woodruff's memory had recovered. Shortly after that interview, a spokesman for CMS admitted to the press that the sexual harassment allegations were false. This revelation occurred well before completion of the CMS report and was the *only* public statement made prior to issuance of the CMS report. If this disclosure were meant to mitigate damage done to me, it was already seven months too late. In the present CMS report, the sexual harassment charges are characterized as "unsubstantiated." Is that correct? Did they ever exist?

The Board of Natural Resources and Conservation (BNRC), in their recent letters to me, have twice tried to put an end to discussion of the sexual harassment charges. In their 16 February 1994 letter listing a *new* set of charges against me, the Board attempts to exclude several allegations, including those of sexual harassment, from further discussion. The implication is that *negative* evidence is *no* evidence. Secondly, the Board, in their letter of 2 March 1993 granting me additional time to respond to the numerous remaining charges, again attempts to restrict future discussion of these false charges. The Board is also denying me access to the evidence, transcripts and tapes of testimony, used to fabricate the CMS report. Instead, they call for a "non confrontational," closed "meeting" on 11 or 12 April after which, based on the investigative reports, action on my termination will be decided.

This sordid attempt at discrediting my personal reputation using such serious and inflammatory charges should not be set aside so easily. The fact that so many obviously false charges were initially included among the allegations and, subsequently, allowed to fester through media reports for so many months after their falsehood was known to the investigators, provides a compelling reason for further, independent investigation and full disclosure. These "unsubstantiated" charges contain the roots, at least, of unethical behavior on the part of those who contrived and propagated these allegations. The State should not defend those responsible for the propagation of false allegations. Remedial action should have been taken *early* in the investigative process. In fact, these allegations should never have been placed on paper and distributed to the Board. But, then again, neither should have any of the others. To the extent that the attorneys involved contributed to this travesty, consideration should be given to their continuation in their legal duties. It is commonly believed among lay people that attorneys are pledged to uphold the law.

2. Criminal Charges

Allegedly, the criminal charges centered around the use of the automobile and telephone (DENR General Counsel, Stanley Yonkauski). No mention of the automobile whatsoever was made in the Illinois State Police (ISP) report. The telephone calls were unidentified but clearly related to completion of the American Water Works Association Research Foundation (AWWARF) manuscript subsequently published in December 1993. They were also related to completion of research by former University of Missouri-Columbia Master of Science students, one of whom is scheduled to present his research results at the forthcoming Illinois Section, AWWA meeting on April 6, 1994 in Arlington Heights, Illinois. I was also in the process of preparing several new AWWARF research proposals through the Water Survey. One of these proposals would have allowed me to recover \$30,000 in salary on behalf of the Water Survey. Again, I was trying to lead by example.

Professional colleagues (professors, engineers) have contacted me to advise me they were contacted by the Illinois State Police and asked what their business was with me. They stand ready to certify that these contacts were for professional activities

with the American Society of Civil Engineers, AWWA and the American Society of Microbiologists.

The progressive nature of the criminal investigation indicates that not only was it frivolous but a concerted, evolving, aggressive action seeking to find some criminal basis on which I could be discharged from the Water Survey without having to rely on the numerous other issues being investigated by CMS.

3. Permanent Residency

When completely revealed, the facts surrounding the permanent residency issue will show that I was particularly diligent in determining and implementing Board Policy in a fair, open, even-handed manner. The Chief, and only the Chief, is required to provide certification for permanent residency. I viewed this as a serious legal matter and was determined to tell "the truth, the whole truth, and nothing but the truth.." This is exactly what I did. The evidence will show that I did this as quickly as possible, considering that I had to rely on Director Moore and General Counsel Yonkauski for the basic definition of what constituted a "permanent employee."

I should note that I did, and still do, have a different understanding of what constitutes a "permanent employee" than that defined by the DENR General Counsel on behalf of the Board. In a University setting, a contract-funded employee (graduate student, research associate, research assistant) is not considered a permanent employee. The University distinction is far clearer than at the State Scientific Surveys where all research employees, whether undergirded by continuous funding or not, are considered "permanent." However, on learning this interpretation, I implemented the DENR General Counsel's (and Joyce Changnon's?) interpretation of Board policy. If I were a Board member, I would consider reexamination of this policy as I believe that there must be a minimum of a five-year commitment to any permanent employee, as called for in the request to initiate application for permanent residency. As it turns out, Naihui Song is the only ISWS employee that is currently promised five years of employment. This resulted from an informal agreement between Van Bowersox and me, with each of us pledging to allocate the necessary resources if Naihui failed to receive external research support. Indeed, rather than undermining Naihui's application, Van Bowersox can confirm that I was willing to make a special concession on behalf of Naihui.

The evidence supporting my actions in this matter could not be clearer. The attempt of the CMS investigator to obfuscate the issue simply reflects the bias he has bred into this report. This is one of the most clear-cut issues because of the timing, evidence and the knowledge of those most directly involved in the effort (Naihui Song, Van Bowersox, Gary Stensland). Instead, the CMS report relies primarily upon Joyce Changnon suspect interpretations.

4. Handling of Research Proposals

Innuendo notwithstanding, my handling of research proposals is one of my strongest points. It is a talent I brought to the Survey. Throughout the interview process, I was repeatedly advised that the Survey needed a leader who understood research, could attract funding and would set high standards for research performance. It was repeatedly suggested that administrative activities would not, and should not, preclude me from continuing my active research program in the area of drinking water treatment and distribution. This was considered to be a rapidly evolving area, and the Illinois State Water Survey (ISWS) was thought to have lost contact with developments in both the drinking water and pollution control fields. My interview seminar demonstrated my current, long-term efforts in developing exceptionally advanced microbiological techniques, in conjunction with my Research Associate, for the evaluation of the effectiveness of water treatment processes.

5. Hiring Procedures for State Water Survey Employees

As a long-term Department Chair in the College of Engineering at the University of Missouri-Columbia, I brought to the ISWS extensive experience, both in hiring high-level professional teaching and research staff, and in meeting increasingly stringent affirmative action guidelines. It cannot be denied that I had a successful history in this area and had hired both foreign-born and foreign faculty, all of whom achieved academic tenure and distinguished themselves as University faculty. These individuals have volunteered to come before the Board to detail their history and experience with my firm, open, consistent behavior with respect to strict adherence to affirmative action plus my dedication to hiring faculty who:

- would be good teachers,
- have the capability to achieve tenure, and
- could develop an independent research program.

It should not be assumed that affirmative action procedures in Illinois and at the Illinois State Water Survey were more fully developed or earnestly implemented than at the University of Missouri-Columbia. After all, the State of Illinois had just suffered the national embarrassment of the Rutan decision.

The contrast between the image painted by innuendo in Mr. Woodruff's report is so inconsistent with my past behavior that it would seem that additional serious (and more independent) consideration be given to the events described. This area of investigation is the least complete and, hence, the most biased because it has relied on the most consistently vocal and most aggrieved accusers rather than those directly involved (material witnesses). In further action, I will press this issue vigorously because I believe it is another example of a vicious, unfounded attack whose sole objective is to cast doubt on my commitment to excellence in recruiting staff for the Water Survey.

This particular group of attacks on me included the gratuitous allegation which

entrained Civil Engineering doctoral student Robert Bowen into the investigation. Simple denial of this particular false allegation, which has already proven to be harmful to Robert Bowen, seems insufficient. The Board should speak specifically to this issue and attempt to mitigate the damage caused.

I challenge the implication of the Central Management Services report which reflects Joyce Changnon's view that searches which do not fall into her realm of experience are not 'normal' and, therefore, are flawed or biased. For fourteen years, my experience with recruiting was guided by Dean William R. Kimel (NSPE 1992 Engineer of the Year and President of the American Nuclear Society during the Three-Mile Island episode.) Dean Kimel required the strictest adherence to affirmative action policy. Accordingly, I found that my hiring standards were distinctly higher than those I was observing at the Illinois State Water Survey. At the Water Survey, I even had to request posting of notices of 'positions available' for graduate student assistants.

The hiring procedures used at the Water Survey seemed inconsistent. Whereas some staff exhibited great rigor in pursuing searches, others appeared to rationalize repeatedly taking significant short-cuts. I was, therefore, determined to set both new, consistent standards and serve as an example to demonstrate that the Chief was not exempt from compliance with strict affirmative action procedures.

It is necessary to make *comparisons* with procedures used previously by the Water Survey to illustrate the defects and deficiencies I am referring to. Obviously, Joyce Changnon views the procedures she has implemented in the past as 'mandated' requirements. Not only was there no evidence for this, but Survey policies in this area seemed to be undocumented and in a constant state of flux. As with "permanent residency," too much remained to be defined. This was a major concern for me as I assumed the responsibilities of Chief. It is also why I entered into dialogue on these issues. Hiring without a search remains a major concern, as I perceive this as a violation of the most basic affirmative action principle. Against that background, I was beginning to require more formal searches; more generic and comprehensive position descriptions, broader (multi-division) search committees, technical seminars and evidence of writing ability.

Bottom Line

The CMS investigator--with assistance/prodding from the accused--has acknowledged that many of the allegations (sexual, criminal, hiring, racism) are patently false. This raises basic questions regarding their origins and strongly supports the counter-charge of unfounded allegations based on political reprisal for the ethanol symposium.

The ISP report, even before rebuttal, has been denied prosecution following review by the Champaign County State's Attorney's Office. The report will only be further weakened by critical review and testimony by others, including students,

engineering faculty, scientists and professional engineers throughout the nation.

Despite the mass of negative innuendo, no evidence is provided that anyone was:

- denied permanent residency
- fired
- given reductions in salary
- were demoted or had any disciplinary action whatsoever taken against them.

No personnel changes were made by the Chief during his tenure. Only unavoidable termination notices, recommended by Office Directors based on loss of contract funding, were issued. There was no hiring of former students, present students, or colleagues.

Finally, there were no budgetary cutbacks and the LLRW project was initiated, as anticipated.

There is, however, *definite* evidence of interference with the planning and execution of the ethanol symposium. Even then, this program took place despite the last-minute cancellation by a key speaker and other sanctions. Subsequently, however, there has been a threat to continued employment of a Water Survey employee (as yet undocumented) and the loss of one of the members of the ethanol symposium planning committee (Steven Vermette) through resignation.

Much of the damage done to the Water Survey has come as the result of the perception of unfair procedures used against the Chief and the immediate release of the general allegations to the press. The fact that no effort was made for reconciliation or remediation prior to taking sanctions against the Chief was not even mentioned in the CMS report.

The remediation required at this point requires my immediate reinstatement as Chief. This is necessary for several reasons. The first is the matter of mitigating the damage done to my professional reputation. The second is to restore the Water Survey's reputation as an independent scientific survey. Perhaps equally important, in my view, the Water Survey requires and will benefit from better-defined, better-articulated policies and a more structured management style. By default, many of the responsibilities of the Office of the Chief have fallen to subordinates who, over time, have substituted their judgment for the judgments of the Chief and the scientists of the Survey. Mark Peden began, and I continued, efforts to establish more formal written policies, sharper definitions, and a clearer programmatic research perspective. It is time the mutiny at the Survey is ended and a clear, steady course is established for its research program. If such leadership is not allowed, much of the State resources which have brought this magnificent research organization to its present stage of maturity will have been wasted.

Political Interference

I believe that one of the major purposes of the CMS investigator's clearly biased report was to make it appear that there was such a massive amount of accumulated complaint and such a large number of complainants that the initiation of the investigation against the Chief could not possibly have originated as the result of political reprisal on the part of DENR Director Moore and his staff. The innuendo in the report, unchallenged, is successful in creating the image of a rampant, egocentric racist, incapable of hearing the reasonable voices of loyal, experienced staff who work diligently as protectors of the hard-won traditions of the Water Survey.

Examined critically, however, the CMS report offers little evidence of racism and ignores all evidence that would contradict that thesis. It is largely based on the harsh interpretations of a handful of (perhaps four) disgruntled employees. At one time or another (quite early, in the case of Joyce Changnon), these employees had been challenged by the Chief for their actions with respect to employment, budget and recruitment of new staff. The identity of specific complainants has been cloaked in the CMS report in an apparent effort to obscure the fact that the complaints actually originate from a very narrow base.

The likelihood that Director Moore and his DENR staff, angered over their inability to gain control of the ethanol symposium program, took advantage of this dissent is strongly indicated by the timing of events. To begin with, Moore authored the "skull and crossed bones" memorandum on 11 March, 1993. At least three of the State scientific survey recipients were immediately contacted and told that the memo was not directed at them (Chief Nevling, Chief Leighton, Director Thomas).

Six days later, on 17 March 1993, I received my *first* formal memorandum from Director Moore, questioning my planning for reorganization of the Survey. Two weeks later, Director Moore sent me another memorandum, vaguely alluding to a full range of issues which, subsequently, would form the broad basis for my ouster from office. Although my responses were detailed and asked for specific guidance, neither of my memoranda were answered.

Thereafter, Director Moore became exceptionally active in pursuing the generation of allegations against me. He organized a meeting with Dr. Joseph Smith, Affirmative Action Officer for the University of Illinois, Urbana-Champaign and, subsequently, asked him to provide the Director of the Department of Energy and Natural Resources (DENR) with an letter of unspecified, but damaging, complaints against me. He involved Board members in secret meetings with Dr. Smith and alerted them to planning for actions to be taken against me. He contacted the Governor's Office (or, possibly, vice versa) which authorized the investigation and commissioned the Illinois State Police plus the Department of Central Management Services to conduct a far-ranging, open-ended investigation of my activities as Chief of the Water

Survey as well as of my personal activities prior to becoming Chief. Although they denied knowledge of the allegations on 5 May 1994 when I was called before Director More and three of the Board members, it now appears that several of these Board members had previously been alerted to Director Moore's pending actions to investigate a wide range of (possibly, as yet, unspecified) charges against me. Both at that meeting and a subsequent full meeting of the Board, the allegations presented against me were deemed to be sufficiently serious to warrant my direct and immediate removal from office without any attempt at remediation, reconciliation or providing me any opportunity to speak in my own defense. As the time line is further unveiled, it should become increasingly obvious that the ethanol symposium was the seminal event.

BOARD OF NATURAL RESOURCES AND CONSERVATION

For the future, I believe the Board of Natural Resources and Conservation:

- should call for an independent investigation of interference with the scientific surveys.

- should require disclosure of events leading to compilation, verification and distribution of allegations against the Chief of the Water Survey.

- should consider whether remediation was possible and whether such efforts should have been undertaken before a public scandal was created.

- should establish guidelines designed to ensure fair treatment of any and all scientific survey personnel accused of wrong-doing in the future.

- should take steps to see that their policy is clearly written and properly administered. (This is particularly important with respect to hiring, conditions of employment and classification of employees.)

- should conduct a review of hiring practices at the Surveys to determine whether affirmative action guidelines have been followed in the past and are being formalized in writing.

- should distance themselves from DENR and political influence of Governor's appointees. (The Chair of the Board should not be the Director of DENR.)

I believe that we all can agree that appointment to this Board confers an awesome responsibility. From its origins, this Board has been given a markedly different mission than most -- the protection of the scientific integrity of the State's scientific resources.

5. The Breakthrough: Release of the CMS Report

On being interviewed by Illinois Central Management Service attorney, David Woodruff, it became clear to my attorney, Stephen Beckett, and me that his purported investigation was directed primarily at building a case against me rather than determining the facts of the allegations.

For one thing, Attorney Woodruff denied knowledge of many of the most serious charges, including those of sexual harassment. Ignorance of these charges should have been impossible in light of the attention this allegation had received in the press. In addition, Attorney Woodruff appeared to have selectively interviewed complainants against me and not others, some who had apparently come forward independently asking to be heard.

At this point, anticipating a biased and incomplete report, I decided to publicly release Woodruff's CMS report as soon as it was issued. This was in hopes that fair-minded readers might recognize the biases and, if they had specific knowledge of events, come forth to correct the CMS reports conclusions. While I could have released the report unilaterally once it was in my hands, I was 'required' by State lawyers to sign a 'release form,' which I did enthusiastically.

In turn, I requested the placement of two copies of the CMS report to be made available at the Water Survey library for inspection by Water Survey staff. This was done, but after two days, the reports were removed. I do not know who or how many staff members safely accessed this voluminous indictment.

Soon after the CMS report became available for external review and comment, some truly astonishing rebuttals were received. Four senior Water Survey office managers (Michael Terstriep, Ellis Sanderson, Donald Dolske, Gary Stensland) wrote detailed letters to Professor Herbert Gutowsky, Chair of the Energy and Natural Resources Board review committee and my unrelenting critic. These responses not only supported my defense arguments, but pointed to the obvious biases in the CMS report. Alternately, there were no comments or responses in support of the CMS report and its conclusions. These additional insights constituted a disaster for those who would use the CMS report to indict and convict me as a prelude to my dismissal as Chief.

John T. O'Connor

AUTHORIZATION AND RELEASE

The undersigned, JOHN T. O'CONNOR, hereby unconditionally and irrevocably authorizes the Board of Natural Resources and Conservation, acting collectively or by any of the individual members thereof, or its duly authorized agents, to disclose to the public in any manner, including but not limited to, dissemination to the news media or others, the following documents:

Report of Investigation of John T. O'Connor
dated January 7, 1994 and prepared by the
Legal Services Section of the Illinois Department
of Central Management Services.

Illinois State Police letter to John S. Moore
dated January 28, 1994

The undersigned further releases and forever discharges the State of Illinois, its officials, employees, attorneys, representatives and agents, together with the Board of Natural Resources and Conservation, and the individual members thereof, from any and all claims, demands, suits, charges, controversies, causes of action, damages, or other liability, known or unknown, foreseen or unforeseen arising from such disclosure of the aforesaid documents.

DATED: _____

JOHN T. O'CONNOR

Monday, February 21, 1994

Dear

Please forgive my informal method of correspondence. I am writing to a number of Water Survey staff who I believe may not have been interviewed as part of the DENR investigation against me, but who may have pertinent information they wish to share with the Board of Natural Resources and Conservation. If you have been interviewed, I would ask that you review the State investigator's report for accuracy in the context in which your comments were placed.

The Board has given me two weeks, until March 2, 1994, to respond to the attached investigative reports. Under this constraint, I do not have time for investigative formalities to aid in my own defense. I am, therefore, asking you to review the attached material, particularly, in areas in which you might have personal knowledge or insight. If you know of any factual error, apparent misinterpretation or additional information that you feel the Board should be aware of before taking action on my termination, I would like to ask that you share it with the Board prior to March 2 (or by March 8, at the latest). This may be the only opportunity you will have to address any of these issues before action is taken against me based on the select evidence compiled for these reports.

I believe the investigative reports are very damaging to my reputation owing to bias in the selection and subjective interpretation of testimony. I also believe that the Central Management Services (CMS) report is far from complete because it reflects, almost exclusively, the views and statements of several key complainants. In several instances, it appears that those with the most direct knowledge of the events being investigated were not interviewed with regard to those events. I am, therefore, seeking assistance in the only way I know how.

If, in reviewing the attached material, you conclude that, from your own personal knowledge and understanding, the investigative reports do not appear to contain sufficient documentation or contain an unfair characterization of my efforts and behavior as Chief, I hope you will advise the Board. I need such support in asking the Board for a fair opportunity to amend the record that these reports have established. To date, the Board has ignored my plea for the opportunity to see the complaints, confront my accusers, and review the transcripts and tapes made as part of the investigation. I am also being denied access to the Water Survey files which have information vital to my defense.

If you have information you wish to provide, if you believe that the report is one-sided and incomplete, or if you simply feel that I should be given time and a realistic opportunity to challenge the factual basis and biased tone of the report, I hope you will let your feelings be known. Even if you merely wish to advise the Board of your own personal experiences in your dealings with me as Chief, I think the Board will be interested and, hopefully, influenced -- as they have already been by the hostile forces attempting to degrade my character and reputation.

Your comments and views should be sent to: Dr. Herbert S. Gutowsky, Professor of Chemistry, University of Illinois, 177 Noyes Laboratory, Urbana, IL 61801.

With best wishes for the Centennial Year!



March 1, 1994

Dr. Herbert Gutowsky
Chemistry Department
177 Noyes Lab
Urbana, IL 61801

Dear Dr. Gutowsky:

On February 23, 1994 I received portions of the reports resulting from State Police and CMS investigations into the alleged misconduct of Water Survey Chief John O'Connor. Dr. O'Connor provided these reports to me by mail, along with a request that I review them and comment on the accuracy of statements or actions attributed to me and the context in which they were used. That is the purpose of this letter. I might also add that I have had no other contact with Dr. O'Connor since his removal from the Water Survey in May of 1993. I request that this letter be made a part of the record related to John O'Connor and be distributed to members of the BNRC prior to the March 9 meeting.

I retired from the Water Survey on July 1, 1993 after 31 years in the area of Surface Water Hydrology. I served nearly 10 years as Head of the Surface Water Section prior to becoming Director of the Office of Spatial Data Analysis and Information after Chief Semonin's reorganization. I retired with the title of Principal Scientist Emeritus.

I offer this brief background because I believe my knowledge of the status of surface water studies at the Water Survey is an important factor in the perspective that I bring to the O'Connor investigation. I should also point out that I was interviewed by phone by David Woodruff of CMS about 2 months ago.

Before making specific comments on the CMS report I would like to share my perspective of the events leading up to O'Connor's removal from the Water Survey.

During the last several years the reduction of GRF at ISWS resulted in staff losses, virtual elimination of line item support, lack of job security and generally low morale of the staff. These conditions were made worse in the surface water and sediment related Offices (Building 5) since contract funding seemed to be drying up more in those disciplines than others. There were both external and internal reasons for this. Chief Semonin's reorganization which divided the Surface Water Section into five small Offices might have worked well during an expansion of the ISWS but during the contraction that we faced it became a contributing factor to further contraction.

O'Connor did not realize the severity of the financial crisis at ISWS until he had been on the job for several weeks. He expressed this to me on several occasions. Previous Chiefs had met budget cuts by reducing line items, transferring expenditures to the

Indirect Cost Account, and increasing split appointments of state staff. By the time O'Connor came on board it was clear that "bandades" would no longer work and that entire programs would have to be cut. O'Connor took this very seriously and realized that he would have to make very tough decisions that should have been made by previous Chiefs. Again these feelings were expressed to me directly by O'Connor. In order to familiarize himself with individual staff research and program content, O'Connor read all new reports coming across his desk as well as many existing reports of numerous ISWS authors. He told me that this was his way of evaluating individuals as well as programs.

When O'Connor released his new budget cuts and the ax fell hard on Surface Water, Sediment Studies and GIS (Building 5) those of us hit by the cuts were stunned. Over 50% of the total ISWS GRF cut had been taken from Building 5. We (Building 5) had argued that our programs were more important to the ISWS mission and to state related problems than those in Atmospheric Sciences and Chemistry. We also pointed out that it was easier for those disciplines to get large, long-term federal grants than it was for Surface Water. We (Building 5) had many strategy sessions (before and after the cuts were announced) about how to convince O'Connor of our point of view. After the cuts were announced we talked about appealing the cuts directly to the ENR Director or the BNRC. At one time I suggested to Nani Bhowmik (Acting Director of the Hydrology Division) that he should send a memo to Director Moore showing that the cuts had fallen disproportionately on foreigners and older staff members (Kris Singh and I). I did not believe that this was O'Connor's motivation, but I knew the circumstances could make him look bad. At that point I felt as if we were at war with O'Connor and I wanted to get rid of him!

O'Connor explained to the staff that the cuts he made were programmatic in nature. He had decided that surface water (including sediment studies) were to take a major part of the GRF cut. He indicated that if our programs were as important to the state as we said they were then some other agency should be willing to fund them. He also showed that Atmospheric Sciences, Chemistry, and Groundwater produced more contract dollars for each GRF dollar allocated to them than did Surface Water, Sediment Studies and GIS. Therefore these other groups provided a better investment of GRF funds. Although I did not agree with his logic, I believe that he honestly did and that these cuts were strictly programmatic in his mind. If this was the case, it was coincidental that the cuts fell heavily on building 5 just as it was coincidental that the largest portion of foreign staff were housed in building 5.

The Office of Spatial Data Analysis and Information (my group) Took the largest budget cut of any Office in the ISWS. O'Connor explained to me that as a service oriented Office, we should be able to generate enough funds to be largely self supporting. The staff in this office were white Americans with the exception of Chinese born Ming Lee. It is interesting to note that I was discussing serious problems in funding for Ming with O'Connor shortly after Mike Demissic had received funding for a Lake Decatur project. O'Connor pulled out a copy of Demissic's contract with Decatur

and we looked at the budget to see if there might be funding for Ming to work on that project. In other words O'Connor was looking for a way to save the job of a foreign born contract employee. When Mike Demissic found out that O'Connor had discussed his Decatur project with me he was irate and wrote me a blistering memo essentially telling me to stay out of his affairs. One might ask who has more concern for foreign born nationals in this case, O'Connor or Demissic!

The remainder of my comments will focus on the specific issues identified in the CMS report and are limited to cases where I have first hand knowledge of the issue through actions of my own or conversations with the involved parties.

I. Resistance in Assisting Foreign Nationals Employed By The ISWS in Obtaining Permanent Residency or other Favorable Visa Status.

I was surprised that the CMS report only dealt with the "permanent employee" phrase on the residency forms. I believe that the key phrase on the form required the chief to guarantee 5 years continuing support. In discussions with Chief O'Connor he expressed utter amazement that he was expected to certify that the ISWS had 5 years continuing support for the foreign national in question. A reaction which I share. He said essentially "I can't guarantee that for long time employees, how can I be expected to do it for a new employee?" Based on private conversations with O'Connor, this was purely an economic issue related to our severe financial stress. It was the "5 year support issue" that led to O'Connor's statement "we are not hiring any more foreigners". No person with integrity and under the financial pressures of the time would sign such a form. The question should be why did Mrs. Changnon and Mr. Karr advise the Chief to sign? Why did the procedure become routine? Why did Mr. Yonkauski advise any of the Chiefs to certify something that they could not deliver? The fact that CMS did not discuss the "5 year support issue" in their report is an indicator of bias against the Chief.

II. Delaying or Denying Approval For Research Projects on the Basis of Discriminatory Race and National Origin Considerations.

O'Connor wanted additional information on proposal budgets so that he knew what each employee's commitment was. He had planned to have state paid employees reduce their state appointment if they were spending part time on specific contract work and be paid part of their time from the contract. (Another very unpopular idea with staff).

The discussion about Renjie Xia is of interest. It is my recollection that Renjie was hired as a part time student. When a full time staff position became available, Renjie was transferred to that position thus avoiding a competitive search. As long as the student employee was on the University payroll no questions were asked. On more than one occasion Mrs. Changnon advised me that this was the case and was "easy to do". I believe that it was common practice to make these transfers to avoid the delay of a search. The statement on the bottom of page 19 is misleading. To infer that hiring of

part time graduate students was on a competitive basis equivalent to full time positions is a distortion of fact. The statement was not attributed to any particular person, but presumably it was Mrs. Changnon. Apparently this practice bothered a new Chief who was not aware of the practice.

III. Improper Interference with the Hiring Procedures for ISWS Employees.

I am only familiar with the hiring of the Geographic Information System Position. As stated in the report, I was the Chairman of the selection committee. The account provided by CMS is generally factual, but contains innuendo that seems out of place in a factual document. As chairman of the selection committee to hire a person to work for me, I had no complaints about O'Connor's actions other than the delay that was caused. The Chief stated and I believed that his only motivation was to get the very best possible person for the job. The original ads placed in GIS journals and through computer bulletin boards did not result in candidates with both good academic backgrounds and GIS skills. Our candidate of choice, Allen, had good skills but a weak academic background. The committee felt that Allen's personality and sales experience would meet our needs even though he had none of the engineering or scientific background we had hoped for. O'Connor being an academician was disappointed with Allen's lack of academic background. We discussed this and I agreed to reopen the search and target midwestern Universities with GIS programs. This was not a limited search but an expansion of the original search. This was explained to Mrs. Changnon and she advised me that it was a legal procedure. Based on her statements in the report she seems to have forgotten that discussion. Many of the procedures used in hiring were cited verbally by Mrs. Changnon with little written policy or guidance.

Mr. Spicci was notified of the reopened search as was the University of Missouri and about 12 other midwestern Universities. Spicci turned out to be an excellent candidate with both strong academics and GIS experience. The committee had a difficult time deciding between Allen and Spicci and Allen came out on top because of his personality. My memo to the Chief indicated the close choice with preference for Allen. As I recall we indicated that either Allen or Spicci were acceptable candidates. I discussed the matter with O'Connor and he felt the stronger academic background of Spicci would benefit the ISWS better in the long run. O'Connor had Spicci in two classes and was quite impressed with his abilities. This was, I felt, a very good recommendation. The relationship of professor and student could hardly be interpreted as a reason for bias except for the best possible candidate. In the end Spicci turned down the job and Allen accepted.

Statements by Bhowmik, Karr, Mrs. Changnon, and Peden that the search procedure was unusual and did not conform with current practice seem irrelevant in an investigation such as this. This was a new Chief and Mrs. Changnon had failed to provide written guidance or policy. She also told me that the procedure used was legal. The discussion of salary amounts to offer were open to all members of the committee

and not a unilateral action of the Chief. Did the investigators feel there was a problem with the offers made or just wish to imply that there might be?

The summary to this section of the CMS report is not supported by the facts. This search did not "substantially diminish the integrity of any competitive search". In the case of the GIS position, the search was broadened and to new excellent candidates were found! O'Connor only favored Spicci because he now first hand that Spicci was an excellent student who met our criteria. He had no reason to show favoritism to a student who was in 2 of his classes. Bringing up the Xia and Akanbi issue again in the summary of this hiring subject is totally inconsistent with a "factual" report such as this. It is another indicator of the bias against O'Connor demonstrated by the investigator.

V. Imposition of Budget Reduction Recommendations on the Basis of Racial or National Origin Considerations.

I have discussed the background of this issue in my opening remarks. I believe that the cuts were programmatic and I support the Chief's right to make such cuts even though my office took the largest hit. Perhaps, as part of this fishing expedition, we should ask why there was a disproportionate number of foreign born staff in the Hydrology Division and in particular in Surface Water and Sediment? Bhowmik was instrumental in hiring Mike Demissic, David Soong, Abdul Kahn, Renji Xia, and earlier Bijoy Mazumder. Bhowmik brought Mazumbder in as a visiting scientist and then moved him into a full time position with no search whatever until funds ran out. Another grad student, Radwan Al-Wshah filled in after Abdul Kahn left. I believe that the numbers would show that Bhowmik hired a disproportionate number of foreign nationals in professional positions and white americans in technician level positions to balance the books! This is not a charge against Bhowmik, just an observation.

Sincerely



Michael L. Terstriep
Principal Scientist Emeritus
904 Woodview Court
Mahomet, IL 61853 586-3505

copy: Steven Beckett

304 Evergreen Court
Urbana, IL 61801-5939

March 26, 1994

Members,
Board of Natural Resources and Conservation
Dr. Herbert S. Gutowsky, Secretary
University of Illinois
177 Noyes Laboratory
Urbana, IL 61801

Gentlemen:

I respectfully wish to provide information and observations regarding the Report of Investigation of John T. O'Connor, Chief, Illinois State Water Survey. The report was prepared by David Woodruff, Legal Services Section, Illinois Department of Central Management Services (CMS). The basis of my comments extend from my many years experience at the Water Survey, my direct knowledge of certain events and comments included in the allegations addressed in the report, my conversations with other senior scientific and engineering staff, and my lack of previous knowledge regarding the specific allegations against Chief O'Connor. I was not interviewed by investigator David Woodruff nor was I instructed that such an interview was possible.

In my study of the entire report (without appendices), and coupled with my own knowledge of certain matters, I find there are many comments included and much information either omitted or not sought that bias the entire report against Chief O'Connor. The report is written so that the reader, unless that person has direct knowledge of or involvement in the events, will infer an incorrect conclusion. Throughout the report, if studied carefully, there are references to policies, long-standing or past or customary practices, procedures, guidelines, etc., of the Water Survey that Chief O'Connor failed to follow. Does this mean that a new Chief is obliged to follow without question whatever has gone on before? I hope not. Chief O'Connor broke no laws and took no actions contrary to any written policies expressed in the Common Policy Manual. I respectfully request that the members of the Board of Natural Resources and Conservation (BNRC) re-instate and return Dr. John T. O'Connor as Chief, State Water Survey, without condition or prejudice. I know that there are many scientists, engineers, and staff of the Water Survey that

are supportive of Chief O'Connor but have not been provided an avenue to so indicate. The "corporate culture" that evolved within the Water Survey during the few years prior to 1992 was one where there was a lack of openness and respect because of fear of retribution through biased performance evaluations and salary adjustments, perhaps even termination. I had this experience. This fear disappeared completely when John T. O'Connor was selected as Chief as I believed him to be completely open, respectful, and unbiased. Now this fear of retribution has returned. Accordingly, *I request that a copy of this letter not be sent to Director Moore or the General Counsel of DENR but furnished only to the other scientific and engineering members of the BNRC.* In support of my request to re-instate Dr. O'Connor I offer the following information and observations derived from my study of the Report of Investigation (RI) of John T. O'Connor. My remarks address three concerns: response and information related to Allegation III, perspective on Allegation V, and observations and questions related to all allegations.

First Concern:

Allegation III relates to the improper interference with hiring procedures. I am a member of the search committee appointed by Chief O'Connor by memorandum dated November 11, 1992, to review applications and to recommend candidates for interview for the position of microbiologist (2nd instance, p 29, RI). The position announcement had been previously prepared and submitted for advertisement to Mainstream, a publication of the American Water Works Association. I understood, as a member of the search committee, that this microbiologist position was to be filled by a scientist that would be working primarily with Chief O'Connor on research projects funded by outside sponsors. Further, I understood that research proposals were in preparation and believed, due to Dr. O'Connor's proven sponsored research record, that funding for one or more proposals within the next few months was likely. The RI indicates (p 29) that the procedure for the position announcement preparation was "According to Ron Karr and Joyce Changnon, ...was highly unusual...". In my experience at the Water Survey I find that indeed it is the usual procedure for the Principal Investigator (PI) to prepare the position announcement and suggest the salary for review by supervisors and, as appropriate, the Chief. In this case, the position was to be funded by the research projects with Chief O'Connor as the PI. The unusualness, if any, of this situation is that Chief O'Connor was in the position of approving his own announcement of the microbiologist position and the salary range to be associated with it. Also, there is an inference that the advertisement announcement outlet (Mainstream) chosen was inadequate. On the contrary, I suggest that given the microbiologist experience and capabilities desired by Chief O'Connor, the outlet was very reasonable and appropriate. Mainstream has a North American circulation approaching 50,000 copies. It is a principal source of information about the water supply industry for those scientists and engineers directly and indirectly involved (including University faculty) in the water supply industry. Historically, Dr. O'Connor's research has been

directly related to the treatment and quality monitoring procedures of water supply. The RI also attributes commentary by Mark Peden, Joyce Changnon, and Ron Karr that relates to the job announcement, salary, and journal advertisement that "...this action was outside the established guidelines of the SWS...". This phrasing implies that such guidelines are a matter of internal memoranda or other written reference material. Having recently conducted a position search during the spring of 1993, I neither was referred to, reminded of, or given any written guidelines by Joyce Changnon for hiring personnel. Accordingly, I wonder how investigator David Woodruff confirmed the content of such guidelines when it would seem appropriate for the Chief, State Water Survey, within applicable equal opportunity and affirmative action regulations to establish or to approve such guidelines. The appropriate question, not addressed by the RI, is *not* whether the actions attributed to Chief O'Connor were within SWS guidelines, especially unwritten ones, but whether they were within BNRC Common Policy and equal opportunity/affirmative action guidelines of the state and the University of Illinois.

It is appropriate here to note comments in the RI under Allegation V that relate to the imposition of budget reduction recommendations on the basis of racial or national origin. Report commentary (p 38) includes matters regarding Shundar Lin, a microbiologist, who works for Office Director Raman K. Raman at the Water Survey offices at Peoria. Omitted from the report under Allegation III and Allegation V is the fact that there were discussions during one or more meetings of the microbiologist search committee regarding staff microbiologists at Peoria and their potential involuntary termination. The search committee concluded that Mark Peden, Chair of the search committee, should contact Dr. Raman K. Raman directly and request Dr. Raman to specifically inform all microbiologists at Peoria of the position search and instruct them, if interested, to forward either a resume or statement of interest in the position. Mark Peden at a later meeting informed the committee this had been done. No resumes or letters of interest by these staff members were received for consideration by the committee.

The Summary of Allegation III (p 34, last paragraph) indicates that "...deviations from the established practices, procedures, guidelines and policy of the SWS...occurred in these two instances, ...". I believe that no such deviation occurred in the matter related to the microbiologist position. The position announcement was prepared and approved by the Water Survey staff member having the best knowledge of the desired qualifications and the advertisement outlet selected for the position announcement was appropriate. There were no irregularities in the deliberations of the search committee of which I am aware. Further, I had no conversations with Chief O'Connor regarding a preferred or suitable candidate for this position (and I know of no conversation between the Chief and other search committee members other than Chair Mark Peden) and I certainly felt no pressure whatsoever to select his former associate Blaise Brazos as a finalist for the position.

Based on my personal knowledge as a member of the search committee for the microbiologist position, there is no foundation to support Allegation III.

Second Concern:

Allegation V relates to the imposition of budget reduction recommendations on the basis of racial or national origin. The RI commentary indicates and describes a meeting (p 40) on March 22, 1993, between Hydrology Division staff and Chief O'Connor. This meeting related to the proposed targeted budget cuts that Chief O'Connor might be imposing unless the predicted budget picture for FY 94 changed dramatically. The RI earlier (p 39) mentions a memorandum dated March 12, 1993, from Chief O'Connor to Division Heads Nani Bhowmik, Ron Karr, Mark Peden, and Gary Stensland (Addendum 49?, I was not furnished the addendums). This memorandum was furnished by Nani Bhowmik to Hydrology Division staff and included a sheet with handwritten information (the sheet was signed by Chief O'Connor) detailing the GRF reductions for each Office of the Hydrology Division (Addendum 50?). This targeted budget reduction information and the rationale for it was the principal topic of the March 22 meeting with Chief O'Connor. After the budget reduction information was presented by Nani Bhowmik, Chief O'Connor was invited to comment and to answer staff questions. The conceptual approach to these targeted cuts as I understood Chief O'Connor's remarks during the meeting related to programmatic changes within the Hydrology Division and the Water Survey, to his desire to make more equal the apportionment of GRF monies among the offices within the surface water and ground water disciplines within Hydrology, and to cause increases the Division's efforts to secure sponsored research projects. Taken together, I understood Chief O'Connor desired appropriate budget actions to enhance, in the long-term, the overall scientific efforts of the Division staff. At no time during the meeting did I perceive any basis for the allegation of discrimination against foreign nationals by any comment or tone of comments by Chief O'Connor. I did not, and do not now, believe that Chief O'Connor methodically and with intention specifically targeted budget cuts to elements of the Water Survey staffed by foreign nationals. That three of the offices within Hydrology targeted for significant reductions in GRF monies were headed by foreign nationals was purely coincidental. Such allegations of discrimination are in direct opposition to Dr. O'Connor's integrity, honesty and record as I know it. Knowing of Dr. O'Connor's scientific expertise and his completely unbiased thought processes, I believe that this fact was not even noticed by him at the time he was evaluating the Hydrology Division programs and allocating the needed budget reductions.

The RI includes a statement (p 40) that one of Chief O'Connor's responses during the March 22 meeting was that "...he was going to use some of this money to help pay for rents in the Peoria offices.". I recall no such response by Chief O'Connor.

It is indeed disappointing to me that essential elements dealing with Allegation V rely solely on the interviews of Joyce Changnon, Ron Karr, and Nani Bhowmik, all of whom are complainants in this investigation. I find no reference to any information or comments from scientific staff and Principal Investigators within the Hydrology Division regarding their perception of the proposed targeted budget cuts. This, I believe, is a serious omission in the RI. The RI does mention an April 30, 1993, memorandum to Director Moore by "Concerned Scientists at the Water Survey" that is signed by 15 scientists that requested their names be kept confidential. This memorandum was surely circulated by one of the complainants against Chief O'Connor among only scientists that were known to be critical of the proposed budget reductions. I am aware by direct communication of at least one foreign national senior scientist that refused to sign the memorandum. He has felt shunned by the others since that time. I was not given an opportunity to refuse to sign the memorandum. There likely were, and still are, at least that many scientists and engineers within the Hydrology Division that respect and are willing to work with Chief O'Connor to enhance our scientific efforts in Hydrology and to decrease our reliance on GRF. I believe that David Woodruff's investigation of this allegation is incomplete, and by virtue of the individuals (complainants) interviewed, his report is biased.

Based on my involvement and the information presented to me as an engineer in the Hydrology Division, there is inadequate foundation to support Allegation V.

Third Concern:

My study of the entire report (without appendices), coupled with my own knowledge of the matters addressed above, lead me to serious questions about information regarding other allegations either omitted or not sought that tend to bias the entire report against Chief O'Connor. I believe there are serious omissions that do not support investigator David Woodruff's self-serving statement (p vii) to "...assure as complete, impartial and thorough an investigation as possible...". I sincerely hope that the BNRC, after careful study of the report, share these questions.

For example, in the RI section reporting on Allegation I relating to resistance in assisting foreign nationals to obtain permanent residency, I find it extremely disturbing that in the matter relating to Dr. Nahui Song that there is no report of the interview with Gary Stensland, Head of the Atmospheric Sciences Division. Memoranda written by Dr. Stensland are mentioned but no report of Dr. Stensland's interview and his perspective on the allegation are included. That such an interview occurred was relayed to me by Dr. Stensland himself. The report also indicates that Office Director Van Bowersox, Dr. Song's direct supervisor, was involved in this matter but there is no mention as to whether he was interviewed, and if so, no report of his perspective. Finally, there is no mention of an interview with Dr. Song and, if one occurred, his personal perspective about Dr. O'Connor's alleged

resistance to his permanent residency application. Also related to Allegation I is the tone of the report in relating the views of Joyce Changnon and Ron Karr that the processing of such permanent residency applications should be routine leading one to conclude that potential fiscal impacts on other Water Survey staff are insignificant and not to be considered. It is my understanding that the processing of such applications requires a commitment for a job for the foreign national individual for five years. I believe that this surely relates to Chief O'Connor's quest to determine the definition of "permanent staff". He did not take such decisions lightly because I believe he understood the potential impacts in an era of declining GRF appropriations. This potential impact is not explained in the report. The adverse impact to staff could occur if the outside funding for the foreign national was lost and other financial resources had to be used to satisfy the five year commitment. In a year of declining financial resources, this might mean the termination of a scientist (of any nationality) whose productivity and value is much greater to the Water Survey than the foreign national seeking permanent residency. It is only good management practice to be assured that the subject foreign national requesting Water Survey support for their permanent residency is a staff member whose work performance has been properly evaluated. I believe that Bowersox, Stensland, and O'Connor were exhibiting excellent staff management practice in this episode. The information presented in the report clearly indicates that Chief O'Connor resisted only Joyce Changnon's insistence that the paperwork should be started prior to a proper evaluation of the productivity and work performance of Dr. Song at the end of his probationary period.

Also the RI emphasizes a handwritten notation (p 4) by Chief O'Connor where he is quoted as expressing "...I do not believe that we should take a pro-active role in seeking permanent residency.". That Chief O'Connor was interviewed and provided information to investigator David Woodruff is known, but here there is no indication of whether investigator Woodruff ask O'Connor to expand on his meaning of this statement and there certainly is no information about O'Connor's perspective included in the RI for review by the BNRC. This causes a negative conclusion without further input from the comment author.

Likewise, in the matter related to the GIS position in Allegation III the RI indicates the search committee included Michael Terstriep (Chair), Nani Bhowmik, Gary Stensland and Robert Sinclair. Yet only Joyce Changnon, Nani Bhowmik, and Ron Karr (complainants) apparently were interviewed and it is only their perspective that is included in the report. There is no indication that Michael Terstriep was interviewed, or if so, any report of his perspective. Likewise, Gary Stensland's perspective was not included even though he indicated personally to me that he provided information to investigator David Woodruff. The last member of the committee, Robert Sinclair, evidently was not interviewed. At least there is no indication of his perspective. The investigation of this component of Allegation III is incomplete, leaving a bias against Chief O'Connor.

The content of the RI for Allegation II relating to delaying or denying approval for research projects also is prepared so that a biased conclusion is reached. The description of the first proposal suggests that Chief O'Connor apparently had no right to question the content of a proposal, to request additional detailed budget information, or to review and question the staff assigned to or working on the project. Soon after Chief O'Connor arrived it was made known that he would be reading all research proposals submitted for his approval. I was very pleased to learn of his interest in whatever project I might be proposing. When I received the memorandum dated November 2, 1992 (Addendum 22), from Becky Bennett regarding Chief O'Connor's request for detailed budget information on future proposal submittals I did not believe this was in any way an unusual or questionable policy. Since such detailed budget information should be prepared by the PI regardless of sponsor requirements, furnishing this information to Chief O'Connor did not increase the effort of the PI. Again, the objectives of Chief O'Connor are misconstrued because of the staff selected for interview.

The information in the RI relating to the third proposal (p 22, Small-Scale Rainstorm Climatology and Hydrological Effects) does not resolve what happened with this submitted proposal. Yet investigator David Woodruff places all responsibility on Chief O'Connor. As Chief O'Connor is reported to have clearly stated during his interview, he has no recollection of any desire to reject the proposal and, upon re-examination of it, indicated he saw no reason to reject it. David Woodruff clearly did not believe Dr. O'Connor. Why not? There is no indication that either of the PI's attempted any kind of follow-up to either Gary Stensland, Head of Atmospheric Sciences, or directly to Chief O'Connor. They did not seek information, they just got mad and sought to obtain retribution without justification. This seems to be unusual and irresponsible behavior on the part of the PI's. I know I would have followed-up if I had spent time preparing and submitting a proposal and then received it back without any comment or explanation. This situation was not resolved. It is improper for investigator David Woodruff to write (p 25) "...the proposal...appears to have been, in essence, a rejection -- if not by actual designation by Chief O'Connor, then by his failure to timely designate the status of the request for approval.". Mr. Woodruff also writes that this (p 25) "...creates the inference of a highly suspect motivation on the part of Chief O'Connor...". I question the motivation of Mr. Woodruff to make such an unreasonable conclusion based on the information presented.

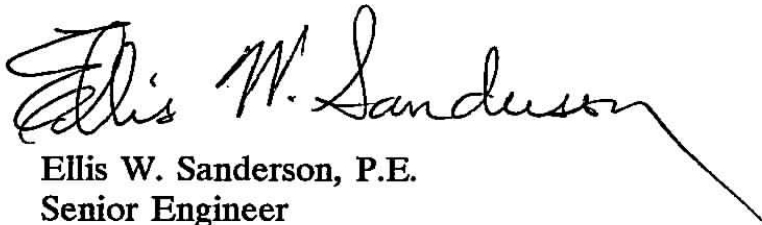
Investigator David Woodruff also presents much information attributed to Joyce Changnon's views regarding an apparent \$40,000 discrepancy in budget reduction projections (p 40). Why is her view given so much credibility? It was already established that John O'Connor had indicated his desire to make programmatic changes. She is assuming that the justification allegedly attributed to Chief O'Connor regarding salary increments for promotion and special merit (p 39) is the only reason for the discrepancy. It has been established elsewhere in the report that

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Chief O'Connor and Joyce Changnon were experiencing difficulty in their working relationship. I don't believe Chief O'Connor disclosed his total programmatic and budgetary ideas to Joyce Changnon for good reasons. If other scientific Division Heads (Peden and Stensland) were interviewed on this matter of the apparent budget reduction discrepancy, there is nothing in the report that indicates their perspectives. This is another serious omission which leaves the reader only with a biased conclusion.

In conclusion there are several other instances where I believe there are omissions and perspectives that cause the report to be extremely biased against Chief John T. O'Connor. The investigator, even if he made a best effort, presents an incomplete investigation that does not adequately support the stated allegations. I respectfully request the Members, Board of Natural Resources and Conservation, to end the administrative leave of Chief O'Connor and grant him full support and authority for the leadership of the Water Survey into its next century of research and service.

Very truly yours,



Ellis W. Sanderson, P.E.
Senior Engineer
Office of Ground-Water Resources
Evaluation and Management
Hydrology Division
Illinois State Water Survey

Phone: (217) 333-0235 Office
(217) 328-4488 Home

cc: John T. O'Connor
Members, Board of Natural Resources and Conservation
Mr. Robert Benton, P.E.
Dr. Wayne 'Reg' Gomes
Dr. Donna Jurdy
Dr. Robert Metcalf
Dr. Roy Taylor
Dr. John Yopp

By Dulski

30 Mar 94

Members
Board of Natural Resources and Conservation

Subject: Support for Water Survey Chief O'Connor

I am writing this letter after reviewing a copy of the Central Management Services (CMS) "Report of Investigation of John T. O'Connor". The copy of the report was provided to me with Dr. O'Connor's knowledge and permission. My motivation for writing this letter is complex, but I'd like to begin by explaining it, so that you might see merit in reading all that I have to say. I have been a Professional Scientist in Atmospheric Chemistry at the Water Survey since 1981. I attribute a non-trivial part of my ongoing ability to attract outside funding for my research to *the excellent national reputation of the Water Survey*. However, the present situation regarding Dr. O'Connor is rapidly eroding that reputation, based on comments I have heard from colleagues at other institutions and Federal Agency contacts. Basically, the perception exists broadly in the research community that Illinois politicians have "come down on" Dr. O'Connor because of the speaker lists associated with conferences sponsored by the Water Survey on controversial topics. Second, I feel that most professional staff at the Water Survey *believe we work for an organization driven by rational and ethical principles*. The entire handling of this situation from the point of view of the staff has been at best bizarre and secretive for unknown reasons, and at worst biased, deceptive, and accomplished behind closed doors to avoid influence of the truth of matters. Most of what we have learned about this situation has come through newspaper articles and "the rumor mill". The situation impacts the perception of scientific integrity and political independence of the Water Survey, which thus affects every professional staff person. Do you think any scientist here would try to set up an investigation of pollution problems related to ethanol production and use, given the present climate? How about other controversial topics? People here are now genuinely leery of certain topics and publicizing their work in certain areas. Finally, based on a year's worth of rumors and sketchy reports, and especially after reading the CMS Investigation Report, I do not believe that *fairness and accuracy* have been applied to the case of Dr. O'Connor's alleged misconduct. If he was involved in misconduct, the CMS Investigation Report certainly fails to make a convincing case. I feel that it was carefully and craftily written to present a negative view. But upon careful examination, it only presents a very one sided perspective. If misconduct were truly committed, then the report could easily have been more exhaustive in presenting testimonies by named witnesses, and the material should have been presented in a fact-stating, neutral tone, instead of being loaded with negative innuendo and pejorative phrasing.

Second, I would also like to briefly qualify myself to address one of the topics covered in the CMS Investigation Report. I was indeed a member of the Microbiologist search committee, where Dr. O'Connor was alleged to have acted improperly and outside the bounds of "usual procedures". I have also been involved in several other searches and hiring procedures in the past 13 years, for employees at many levels. My recollections of this particular committee do not match those of Mrs. Changnon and Mr. Karr, as presented in the CMS Investigation Report. Further, I would contest their assertions about "usual procedures". The drafting of a job announcement for a research associate has *always*, in my experience at the Water Survey, been done by the Scientist responsible for the project that will hire the prospective employee. The job description and a list of publications where it should be advertised is then typically passed on to Mrs. Changnon and a search committee is suggested. A review for "boilerplate language" and the publication of the announcement is facilitated by Mrs. Changnon. If indeed Dr. O'Connor drafted and submitted the Microbiologist position announcement "on his own initiative", the only problem and outcome-influencing effect would be that maybe he didn't get the latest administrative catch-phrases worded quite right. Neither Mrs. Changnon nor the committee would likely have changed anything in the technical part of the announcement. During the committee deliberations, we were in fact somewhat concerned about the low number of applicants (4), and suggested to Dr. O'Connor that the search be re-opened. But we really could not come up with a list of places to publish the announcement that would be nearly as focused as the *AWWA MainStream*. This CMS Investigation report correctly points out that this is a nonacademic publication. Which made it an entirely applicable place for an announcement of such an "applied science" position opening. It is not at all surprising or unusual that

such a narrowly - focused position would only draw a few applicants. A review of drinking water microbiology literature from the past 10 years would show that Dr. O'Connor and Mr. Brazos were obviously pioneers and leaders in the field. Does it seem unlikely or unusual that Mr. Brazos would apply for and be the leading candidate for, a job in a proposed facility to continue the work?

As for announcing and hiring a person to fill an unfunded research position, the committee did convey concerns about the response of other Water Survey staff, especially during a time of budget cutting and potential staff reductions in other areas. But clearly, as scientific leader of the Water Survey, the Chief can direct resources to new areas he feels are urgently needed within the context of the Water Survey and the public welfare of the people of Illinois. There exist other research and service functions in the Water Survey supported by GRF and other funds that are not directly supported by outside grants or contracts. Surely, providing a "seed" investment to get an in-house drinking water microbiology program up an running cannot be construed by any reasonable person as improper use of funds or misconduct.

I feel the only concerns presented by the committee at the time were that "appearances" might be an important issue for Dr. O'Connor and Mr. Brazos, since the budget cuts were making other staff somewhat nervous and sensitive about a new Chief's decision-making. I don't believe that any concerns about "misconduct" or "impropriety" were actually raised at the time. The entire tone and implication of the whole section in the CMS Investigation Report regarding this incident is misleading and misrepresents actual events and conversations. I know this because *I was there*.

Turning somewhat from the specifics of that incident, I'd like to make a few observations that may be quite pertinent to a reasoned consideration of the CMS Investigation Report and other materials, including letters parallel to this one from staff who were involved in specific incidents, but never consulted by CMS, State Police, or anyone about their knowledge of the events. In fact, those omissions are all the more shocking when one reads the report and sees the inordinate credence given to the testimony of Mr. Karr and Mrs. Changnon. In the case of the Microbiologist search, Mr. Karr had no substantive involvement at the time! Why would CMS invite his comments and include them in the Investigation Report, and not talk to the other committee members? A clue might be that certain individuals in the Administrative Division of the Water Survey have an obvious self interest in the *status quo*, Mr. Karr and Mrs. Changnon among them. Many of the "normal and customary procedures" alluded to in the CMS Investigation Report are in reality just personal work habits of the individuals involved. It is a general consensus of professional staff at the Water Survey, at least insofar as I can tell by private conversation with acquaintances, that Dr. O'Connor was very intensely disliked by several administrative staff, Mrs. Changnon foremost among them, because of his insistence on questioning the so-called "way things have always been done". A fair and unbiased CMS Investigation should have not only picked up this fact, but also therefore excluded ANY testimony by Mrs. Changnon. Further, any testimony by any Administrative Division staff should have been counterbalanced by statements from professional staff with firsthand knowledge of events.

In conclusion, I wish to express my support for reinstatement of Dr. O'Connor as Chief of the Water Survey, and his exoneration from allegations of misconduct. I have my own experience to rely on in the case of the Microbiologist search, and I have been assured by several other staff persons that similar commentary can be made about most of the other allegations. It seems clear, in my personal opinion, if the material in the CMS Investigation Report were subject to complete, open, and intellectually honest scrutiny, very little if any of it would stand up. Please give Dr. O'Connor the fair hearing he deserves.

Sincerely,

Donald A. Dolske, Ph.D.
Professional Scientist
Office of Air Quality
Illinois State Water Survey

April 1, 1994
April 20, 1994(revised)

Board of Natural Resources & Conservation
c/o Dr. John H. Yopp
Woody Hall
Southern Illinois University
Carbondale, IL 62901

SUBJECT: Comments on the CMS Report about Chief John O'Connor

Dear Sirs:

Dr. John O'Connor recently provided me with a copy of the Report of Investigation of John T. O'Connor, dated January 7, 1994, by the Legal Services Section of the Illinois Department of Central Management Services, which I will refer to as the CMS report. I assume Mr. David Woodruff is the primary author of the report since he carried out the interviews with the Water Survey staff, including a four-hour taped interview with me on December 1, 1993.

This letter is for the use of the members of the Board of Natural Resources and Conservation (BNRC) as they evaluate both the general performance of Chief O'Connor and the specific allegations of wrongdoing. *Two sentences have been deleted because they included conditions which were probably the ones unacceptable to Dr. Gutowsky(see April 6, 1994 Gutowsky letter).*

I attempted to begin a dialogue with the BNRC by writing to one BNRC member. I assume the letter was delivered because Federal Express did not return it to me. A copy of that letter is attached since it is still an accurate representation of my views and concerns and it contains background information on me that I will not repeat in this letter.

CMS Issue I - Permanent Residency Issue:

Allegation I includes considerable discussion about Dr. Naihui Song seeking permanent residency in the United States. I have considerable knowledge about this issue because he is in my Division at the Water Survey and because he works directly on research projects for Mr. Van Bowersox and me. Mr. Bowersox and I did the job search that led to his employment at the Water Survey on January 15, 1992. Dr. Song's overall research performance at the Water Survey has been excellent.

In a memo dated October 21, 1992, Joyce Changnon requested that I provide Dr. O'Connor a memo "justifying your request for permanent residency" and include "funding continuity information." I did **not** prepare such a memo because it did not seem appropriate or necessary at that time. I did not want to pressure the Chief into spending time on the Naihui Song case before I and Mr. Bowersox had evaluated Song's probationary period (January 15, 1992 to January 14, 1993) and rigorously decided that we wanted to keep Dr. Song at the Water Survey for many years (from previous experience when Dr. Stephen Vermette of my Division had secured permanent residency, I knew that the "sponsoring" organization was asked to make a five-year commitment). After some period (a few days or maybe even a week) Mrs. Changnon stopped me in the hallway and asked if I was preparing a memo per her request of October 21, 1992. I said that I was not doing so for the reason described above. Mrs. Changnon did not attempt to provide additional reasons why I needed to prepare such a memo for the Chief immediately. She did not challenge my logic that it did not make sense for me to ask the Chief to take action on behalf of Dr. Song when Mr. Bowersox and I had not yet decided if we wanted to make a long-term commitment to Dr. Song. Mrs. Changnon did not attempt to convince me that some type of time crisis existed. It was only due to my questions at a later meeting held in mid-January 1993 (to be described below) that I learned the substance of the time crisis.

In the December 24, 1991, job acceptance letter from Song to Chief Semonin is the sentence "I (Song) understood....an application for my permanent residence visa in the USA will be started by ISWS upon my satisfactory completion of the probationary period." Please note the word "started." Song's one-year probationary period ended on January 14, 1993, and items discussed in the CMS report demonstrate that O'Connor, Bowersox, and Stensland had been working (i.e. had **started**) on the permanent residency issue weeks before the agreed upon deadline.

In mid-January 1993 at a morning meeting attended by Stensland, Ron Karr, and Joyce Changnon, I finally learned, through questioning, why Changnon and Karr were so concerned about the timing issue (i.e. O'Connor using time to get clarification from UI and ENR on important questions like the meaning of permanent versus temporary employees). Joyce indicated that it could take **more** than a year, from start to finish to get permanent residency for a foreign national like Song. She also indicated that his current visa status would end on January 1, 1994. My immediate reaction, which I expressed at the meeting, was that the Water Survey (before O'Connor's arrival) had put themselves at risk by hiring an employee and allowing 11.5 months to do something that can take more than 12 months. I expressed concern as to what would happen to Song if his visa expired. I requested to know what was the "fall back" or "contingency" plan (that the Water Survey should have had in place when Song was offered his Water Survey job). Joyce agreed to make calls to the UI to determine ~~to determine~~ if Song's visa status could be changed to, in effect, provide a time extension. I immediately reported on this important meeting to Bowersox and said that I expected Joyce to report back to me soon, perhaps that afternoon. In fact, I was surprised that Joyce did not report back to me but within a couple days I asked Joyce what she had learned and she rather casually said that yes, the call to the UI had indicated that Song's visa status could be extended. With considerable relief I reported back to Van that a "fall back" plan was available so the time issue had been solved. I speculated to Bowersox that the Water Survey (i.e. Joyce Changnon, etc.)

had perhaps started paperwork long before the end of Song's probation period and that when O'Connor legitimately and properly questioned and examined the Water Survey procedure (for Song, etc.) he jeopardized the de facto fall back plan that Mrs. Changnon had in place (without the knowledge of Stensland, Bowersox, or O'Connor). My speculation was confirmed when I read on the bottom of page two of the CMS report that paperwork for Song had been started in May 1992.

If Stensland and Bowersox had known what in fact was evidently a "nearly routine procedure" (quote from page two, line 12 of the CMS report) we would have taken different actions and would have advised Dr. O'Connor differently. One flaw that I, and many others at the Water Survey have observed in the past is that Mrs. Changnon has a tendency to tell people less than the whole story. I have learned through experience to be cautious in accepting her statements as complete and reliable. The charge throughout the CMS report that O'Connor did not follow the standard and accepted procedures at the Water Survey and thus was guilty of some serious leadership flaw is without merit. Most of these procedures that he supposedly did not follow are probably:

1. not written down,
2. were probably being described to him by Mrs. Changnon, and merited an independent opinion, and
3. deserve re-examination, challenge, and in some cases modification, which is exactly what Chief O'Connor was doing, and should be commended for doing.

On page two, line five of the CMS report is the phrase "It should be noted here that the actual administrative load on the Water Survey is minimal...", meaning that the staff effort to assist foreign nationals in obtaining permanent residency is minimal. Although not stated it seems very likely that Mr. Woodruff would have gleaned this information from Mrs. Changnon. This fact of "minimal" effort is either grossly in error or else an earlier discussion by Mrs. Changnon with me was grossly in error. I can not remember the date of the earlier discussion but it is quite likely that it predated Dr. O'Connor's arrival at the Water Survey and could have been a couple years before his arrival. It is vivid in my memory that Mrs. Changnon told me that it was a big effort for her and her staff to assist Water Survey employees in getting permanent residency and that the effort saved them each several thousand dollars in lawyers fees. I know that I have referred to this conversation, in discussion with others (including Mr. Van Bowersox), to indicate that Mrs. Changnon had stated that it was a very time consuming activity. Considering that I had several discussions with Dr. O'Connor about the permanent residency process at the Water Survey it might be that he heard me state that it was a time-consuming process and I may have even indicated that my basis for this judgment was Mrs. Changnon's dialogue with me where the savings in lawyer's fees had been mentioned. On page four of the CMS report these written words by O'Connor were listed and underlined:

"I do not believe that we should take a pro-active role in seeking permanent residency. I do not want to commit resources or staff time to such efforts."

When I read these words (as written on the original memo) on about December 20, 1992 I ended up with the conclusion in my mind that Dr. O'Connor did not feel that we should expend the considerable amount of staff time for this service (which is a personal benefit to only a small group of people) when the staff could be doing other more appropriate work. It seems to me to be perfectly okay for the Chief to make such decisions regarding the best use of staff time in the Administrative Division at SWS. If the Director of ENR feels that staff are not being used appropriately then the correct action would seem to be that he would communicate with the Chief to try to resolve such an issue in an acceptable manner. Was such communication attempted specifically on this issue before the drastic action taken on May 5, 1993? If not, why not? The quoted words above by O'Connor do not say that the Water Survey did not intend to seek permanent residency for future foreign nationals. I believe Dr. O'Connor has a record of assisting foreign nationals in the past to acquire permanent residency and assume he would do so in the future. He should be asked if there is doubt.

It should also be noted that Mrs. Changnon and Mr. Karr did not, to the best of my memory, express any concern to me that Chief O'Connor was not going to support any other foreign nationals seeking permanent residency.

In the December 1992-January 1993 period I had frequent discussions with Dr. Song about the process being followed by the Water Survey to assist him in obtaining permanent residency. Dr. Song was pushing very hard on this issue, which was to be expected since it was a key issue for him and his family. I explicitly stated to Dr. Song on more than one occasion that I was satisfied with the actions by the Chief in that his approach was fair, thorough, and that he was giving it considerable attention so was not purposely causing any unnecessary delay. I explained to Dr. Song that since his was the first permanent residency case being processed by Chief O'Connor at the Water Survey, it was not unreasonable that the Chief was being thorough, which included seeking clarification of the meaning of terms like "permanent" and "temporary."

In summer 1993 (late July or early August I think) Naihui Song was interviewed by CMS. Why is there not a discussion of this interview in the CMS report? This seems to be a serious omission. From my discussion with Dr. Song it seems likely that Dr. Song would have indicated that he, a foreign national, did not feel that he had been the subject of discrimination by Dr. O'Connor.

Dr. Song told me that in his interview Mr. Woodruff explained that he had basically two questions, and that Dr. Song would be asked these questions, first off-the-record (i.e. tape recording machine not running) and then on-the-record. One of the questions related to the issue of discrimination. Dr. Song told me that after answering the questions off-the-record, Mr. Woodruff said that it would not be necessary for him to answer the same two questions for-the-record. Why were the answers not put on-the-record? Were the answers supportive of Dr. O'Connor? If so then they should be in the CMS report just like non-supportive statements are in the report. I feel supportive statements have been omitted from the CMS report and this leads to a biased report which makes Chief O'Connor appear to be an evil tyrant, and this is totally untrue. This Song event (and other events) suggested then (and now) that the CMS investigation was being conducted more in the fashion of a

prosecutor preparing a case than like an independent investigation where a total, unbiased report would be produced.

On December 1, 1993, CMS finally decided, after the urging by Dr. O'Connor, to interview me. The Acting Chief had been interviewed in early July and the other two Division Heads, supporting many allegations against Dr. O'Connor, were interviewed shortly thereafter. One wonders what CMS was thinking and what guidance they may have been given which led them to appear to not want to interview me? I certainly feel that they had been led to believe that I would likely not be providing information which would support the allegations against Dr. O'Connor. This was another action which lead me to believe that CMS was not looking for all the facts, but was mostly interested in facts which supported the allegations. If CMS should assert that they had always intended to interview me then clearly they were dragging out the investigation by waiting until December to interview the fourth and final Division Head. I feel that the BNRC should seek some answers on this because it relates to the issue of fairness.

About an hour was tape recorded as CMS and I discussed the Dr. Song issue. Most of the points above were discussed but were **not included** in the CMS report. Why not? In the interview I provided specific information and left the clear opinion that it appeared that Dr. O'Connor had acted properly, thoroughly, rationally, and speedily in the Dr. Song case, but this opinion is not presented in the CMS report. I pointed out that Van Bowersox had worked extensively on the issue, including having met with Dr. O'Connor on the issue. If the BNRC still has the opinion that Dr. O'Connor did anything wrong on the Dr. Song issue then they should certainly seek input from Mr. Bowersox, Director of the Office of Precipitation Quality.

Based on my files, notes, tapes, etc., I conclude that the CMS report is incomplete and biased on the N. Song issue.

In a paragraph above, I refer to a mid-January 1993 meeting between Stensland, Ron Karr, and Joyce Changnon. At that meeting I clearly remember making strong statements to indicate that we (Water Survey staff) must be willing to accept changes in the way we "do business" as a result of having a new Chief. I said that I felt that it was good for the Water Survey that the new Chief was evaluating our procedures and making changes, and that I felt that it was in fact his responsibility to evaluate our Water Survey procedures. This "lecture" by me was triggered by my having heard complaints about changes being made by the new Chief. In my own experiences at the Water Survey in leading large groups of staff I had observed many cases where staff were fearful and resistant to change. People typically tend to want to continue to do things the "old way" even though new leaders should be expected to make some changes.

Because I felt Chief O'Connor was getting undue criticism for making rational evaluations of Water Survey procedures and implementing some changes I made a point of also telling the Office Directors in my Division that we should expect and welcome some changes. I felt Ron Karr and Joyce Changnon were being too resistant and negative towards change and thus specifically addressed this in the mid-January 1993 meeting with them.

Since the two new Water Survey Chiefs in the 1980's were both from within the organization, they were known quantities. Thus it is not totally surprising to me that staff may have been overly sensitive to evaluations, thoughts, and actions by Chief O'Connor since he was the first Chief from "outside" in many years. As an example, Chief O'Connor was surprised that the Office of the Chief did not have resumes of all the senior staff in files readily available to him. These resumes would help him or any other new Chief learn about staff interests, activities, etc. Thus when he wrote a memo in fall 1992 requesting that these resumes be prepared and sent to him, many staff raised concerns about this request. For example, a few staff seemed to feel that this interest in resumes signaled that service activities would be de-emphasized compared to research activities, and that salary increases for everyone would be weighted heavily by research performance. My knowledge about Chief O'Connor suggests that these fears were not supported, that Chief O'Connor had in fact emphasized service activities in his Missouri academic setting.

Time is not presently available for me to do the checks on my files, tapes, and notes to develop detailed comments on the other parts of the CMS report. However, I will make these preliminary comments.

CMS Issue II — Delaying Proposals on the Basis of Race

Knowing Dr. O'Connor's work style and attitudes toward people, this charge appears to be ludicrous. I suspect the person in my Division submitting the most proposals for O'Connor's signature was Dr. Naihui Song. We encountered no problem in getting his proposals processed by O'Connor.

With additional time I will be able to discuss proposal 3, with Huff (Atmospheric Sciences Division), Demissie and Khan as PIs. I believe the project, as reviewed by Dr. O'Connor was a draft proposal, not a final proposal ready for signatures and thus did not have firm time deadlines. Dr. O'Connor found some problems in the budget that were obviously in error and needed correction by the PIs. He can not be blamed for delays if the PIs have flaws in their proposed budget.

CMS Issue III.1. — Interference in Hiring the GIS Person

I have considerable knowledge on this issue since I was involved with this issue in discussions at the Division level, before O'Connor came to the Water Survey, and I was also a member of the search committee. The Chief should have been expected to be more involved in this job search than some others because the Office of the Chief was funding half of the salary for the first year and would have felt pressure to help with funding for a few additional years while grant/contract funding was being sought.

Chief O'Connor had some legitimate concerns with the candidate selected by the search committee after the first search. Thus I do not believe that there was anything wrong or inappropriate with his request that the committee re-open the search and seek additional candidates.

There are many sentences in the CMS report on this issue that I disagree with or that I find to be presented with a questionable and biased tone. I spent about an hour talking to Mr. Woodruff of CMS on this GIS issue. My views are not well represented in the CMS report. Serious omissions occurred.

In summary, I need more time to thoroughly address this issue. I feel Dr. O'Connor did absolutely nothing wrong in this issue.

CMS Issue V — Budget Reductions with Racial Considerations

As Division Head since 1989, and having been involved with difficult budget cuts of 10 percent and 15 percent in FY92 and FY93, I have had experience with many discussions on budget cuts. It was my observation that Dr. O'Connor had suggestions for how to make budget cuts that were as fair as those provided previously by Chief Semonin and Acting Chief Peden, and there was no trace of racial or national origin consideration that I could notice. It is very deceptive to show the budget cuts by Division on page 38, without showing the total GRF budgets by Division. Chemistry and Hydrology each have GRF budgets about twice as large as those of Administration or Atmospheric Sciences.

It appears that O'Connor is alleged to have done something wrong in the Hydrology Division as he made suggested budget cuts **by program area**. For the FY93 budget cuts, Acting Chief Peden made the cuts **by a uniform percentage** for all Divisions and the Hydrology Division Head, Dr. John Shafer, became furious at him for not instead making the cuts **by program area**. Subsequently Dr. Shafer resigned from the Water Survey.

CMS Issue VI — Cross-Allegation Related to Ethanol Symposium

1. Pressure was exerted by ENR on me, the lead scientific organizer for the meeting, to a) **alter** the program to **not** include speakers that might have substantial concerns about ethanol useage in automobiles, or b) **to take some other action against my scientific judgment**.
2. There are inaccurate sentences on this issue in the CMS report.
3. Additional time is needed to develop a thorough response by me to this issue in the CMS report.
4. I believe the ethanol issue was a very important factor in causing the actions by state governmental staff in Springfield and by some staff at the Water Survey which led to the long list of false charges.

Sincerely,



Gary J Stensland, Ph.D.
Head, Atmospheric Sciences Division

c: H.S. Gutowsky

(C3)

CONFIDENTIAL

April 8, 1994 ←

Dr. John H. Yopp
Acting Chairman
Board of Natural Resources & Conservation
Woody Hall
Southern Illinois University
Carbondale, IL 62901

Dear Dr. Yopp:

This letter is for the use of the members of the Board of Natural Resources and Conservation (BNRC), excluding Director Moore. This letter should not be given to, nor its specific contents shared with other ENR-Springfield staff, including Mr. Stan Yonkauski or Mr. Mitch Beaver. My experience in the last 11 months has shown that senior ENR-Springfield staff have been in routine contact with Water Survey staff known to be the principal opponents of Dr. O'Connor.

Communication from me, sent a few days ago, contained specific comments on the recent CMS report, a copy of which has been provided to me by Dr. O'Connor. I have direct knowledge of many of the major issues in the CMS report. In many instances information that I provided to CMS during my December 1, 1993, four-hour taped interview (I have my personal tapes of the interview) was omitted or not correctly portrayed in the report. Whether unconsciously or not, I find the report to be biased in many ways. If one has reached a conclusion from a study, one tends to present information which supports that conclusion, and this is what Mr. Woodruff of CMS appears to have done. If Mr. Woodruff believed that Dr. O'Connor was innocent, I believe the entire tone of his report would have been different. I am also concerned that the report and its tone might reflect pressures exerted on Mr. Woodruff.

Notes on pg 3

← Crossed out
said:
see 4-21-94 cover letter

CONFIDENTIAL

The primary purpose of this letter is to describe reasons why I am convinced that the actions by Joyce and Stanley Changnon are a dominant (not only) reason why all of us have been drug through a painful, disastrous, and unnecessary experience wherein false allegations led to the suspension of the Chief of the Water Survey. Because of the fear for the personal welfare of myself (and thus my family) and my associates I have avoided, up to now, writing this letter, but instead have taken numerous other actions. Recent actions included sharing much of the information in this letter with Mr. Woodruff in a three-hour, **off-the-record** interview on December 1, 1993. It was off the record because I did not completely trust the integrity of Mr. Woodruff, especially because he was in routine contact with some of the ENR leaders which have engaged, to some extent, in a process of intimidation toward me. Secondly, I offered to discuss the material with you (see last paragraph on page two of my November 2, 1993 letter to you — a copy was attached to my letter to the BNRC sent a few days ago).

For background you should know that the Changnons have been my friends and supportive colleagues for many years. Stan Changnon and Dick Semonin interviewed and hired me in 1976, and have promoted me continuously over the years. Stan's son worked for me in the summer of 1979. My wife and I have been invited to the Changnon house for numerous social events over the past 17 years. In recent years Stan and Joyce, the Peden's, and my wife and I have had tailgate parties together before many UI football games. In about 1989 I took actions to assist in bringing Semonin and Stan back into a speaking and working relationship (which had gone sour in the mid-1980's) because I felt Stan had much to offer to the Water Survey and my Division. In 1990 I sought and respected Stan's advice as I decided to demote one of my senior, internationally-known scientists. Stan has made immense contributions to the Water Survey and to the field of atmospheric science, and continues to be a very active and productive scientist. Because of the positive things described above, I very much regret finding it necessary to discuss the details below but do not see any other option.

One major reason that I avoided writing this letter is that in order to be effective I felt I would need to mention several staff names and I have major concerns that they might somehow be adversely impacted. In addition, since Stan is either a principal investigator or an influential scientist for approximately \$900,000 in annual contract funds in my Division, many lives can be directly affected by his actions and reactions.

CONFIDENTIAL


**SIGNIFICANT INCIDENTS OR REPORTS
WHICH AS A WHOLE REPRESENT A PATTERN**

Global Climate Change Issues

1. In early Fall 1992, Dr. O'Connor begins his job as Chief of the Water Survey.
2. In early Fall 1992, Stan requests from the new Chief expanded support for the Global Climate Change Program (GCCP) that he directs. In subsequent months Stan complains to me on at least two occasions that the Chief has not acted on his request.
3. In the Fall/Winter 1992-93 time frame, Stan makes "venomous" remarks about Chief O'Connor in conversations with Dr. Stephen Vermette, Assistant Director of Global Climate Change Program, as they travel by car to meetings in Illinois (Stensland learns this from Vermette in June 1993).
4. In a February 6, 1993, memo Stan writes that he desires to resign as Director of GCCP by April 1, 1993. This causes O'Connor and Stensland to begin the process to replace Stan. Stan recommends that Dr. Wayne Wendland become the new Director. *I need to check documents, Kunkel may also have been recommended*
5. On February 23, 1993, O'Connor and Wendland meet to discuss the available leadership role in GCCP.
6. On March 5, 1993, Stensland and Wendland meet to discuss the available leadership role in GCCP.
7. In early March 1993 the Chief shares with Joyce Changnon and Ron Karr information on his ideas for cuts in GRF (general revenue funds of the state) to meet the required 5 percent reductions in the FY94 Water Survey state budget. One idea is to reduce Stan from 50 percent to 25 percent support on GRF. Stan would need to cover this loss of GRF support with his grant/contract funds.
8. On March 10, 1993, Stan comes into Stensland's office to discuss various issues on his mind, including the fact that he has changed his mind about his involvement with GCCP (basically he withdraws his resignation). After the meeting Gary writes up notes of the meeting for his file and a typed copy is given to the Chief. The Chief tells Stensland that Stan cannot unresign — the

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process to choose a new director for GCCP is well underway. . On that day, the Chief and Stensland, and Stensland and Peden, have brief conversations and comment on the possible linkage between Joyce Changnon likely telling Stan Changnon of his impending GRF cut and Stan's unresignation from his GCCP role.

9. In March 1993 Stensland meets with retired Chief Dick Semonin to get his input on the idea of Dr. Wendland becoming Director of GCCP. As expected Stensland hears reservations about the idea.
10. In mid-March 1993, Stensland and the Chief meet and decide Vermette should be approached about interest in becoming GCCP Director. The Chief and Vermette and then the Chief and Stensland meet and decide Vermette should be offered the position of GCCP Director. Since Stan never mentioned Vermette as possible permanent director of GCCP, the assumption is that Stan will be unhappy with the Chief's decision.
11. In the afternoon of March 18 the Chief, Ron Karr, and Stan Changnon meet. The Chief tells Stan of his plan to reduce his GRF from 50 to 25 percent as one step to meet the overall 5 percent budget cut. The Chief indicates that this is consistent with Stan's reduced responsibilities to state service tasks since he will have a smaller commitment to GCCP. Stan indicates that he has a letter from the Board of Natural Resources & Conservation (BNRC) (I assume a letter dated in about 1985 or 1986) which guarantees him his present level of GRF support (and thus the Chief cannot make his proposed cut). 
12. March 19, 1993, morning — Stan moves out of his building one office (adjacent to Stensland) (actually one or two staff members do the move at Stan's request) and moves into the building six office that he shares with Floyd Huff. The rapidity and method of this move indicated to Stensland that it was a move of anger. Since then Stan has basically not spoken or communicated with Stensland, even to keep him minimally informed of pertinent major, atmospheric science activities.
13. Stan prepares a memo dated March 22, 1993 for his files — an evaluation of Dr. Stephen Vermette. It is a very negative evaluation.
14. On May 5, 1993, Dr. O'Connor is put on administrative leave and Mark Peden named as Acting Chief.

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15. Stan prepares an unsolicited review of Dr. Vermette dated May 17, 1993, and sends it to Acting Chief Peden. On the Water Survey review form with task ratings of 1 to 5 (best), Stan rates him as 1 or 2, extremely low relative to typical Water Survey scores.

In previous years both Stan and Vermette's other supervisors had rated him with four's and five's. For the year ending June 30, 1993, Bowersox, Sweet, Gatz, and Stensland have prepared written reviews that suggest no drop off had occurred in Vermette's very strong performance up until he left the Water Survey in late summer 1993. As a result of the O'Connor suspension, Vermette chooses to interview and accept a faculty position at Buffalo State College. Clearly Dr. Vermette sensed he would be in a tenuous and difficult position as Director of the GCCP without Dr. O'Connor's presence and support since Dr. O'Connor had chosen him without the support of Stan Changnon.

In early summer 1993 Dr. Vermette prepares a written rebuttal to the negative Changnon evaluation which had been put in his personnel file. Stensland shares the rebuttal with Acting Chief Peden (we discuss our concern in placing this in the personnel file in the office of Joyce Changnon).

16. June 1993 — Stensland works with Director of GCCP, Dr. Vermette, to prepare a list of current Water Survey research projects that we considered to be part of the GCCP. Dr. Vermette includes this list with a letter sent to Dr. Lee Botts, dated July 12, 1993. Subsequently Dr. Botts apparently shares this list with Director Moore and/or Mr. Changnon and has a concern about the list. Stan is angry about the list and Vermette's letter, and communicates his concern to Acting Chief Peden. Peden intervenes, speaks to Director Moore, and tells Stan to let the issue die. Instead Stan sends a letter to Dr. Botts criticizing Vermette, and provides his own "list of research projects." Stensland is shown this list by Peden. The list is inaccurate. Stensland notes with concern that the financial information summarized by Changnon (from July 1993 fiscal statements for existing Water Survey grants) should not have been available to him. Stensland indicates that the only logical way that Stan could have obtained the financial data was through his wife who has access to all financial and personnel records at the Water Survey.

Reduction in GRF for Mr. Changnon

Point 11 above indicates that on March 18, 1993, Chief O'Connor told Stan Changnon that his GRF would be reduced if the Water Survey had to accommodate the 5 percent budget cut. Some weeks

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earlier the Chief had suggested this to cut to Stensland as one way for his Division to accommodate a \$35,000 budget cut. Shortly after getting this suggestion, Stensland met with his four Office Directors (Bowersox, Gatz, Kunkel, and Ochs) to get their reaction to a plan where the \$35,000 cut would be met by a \$20,000 cut for Changnon, a \$9,000 cut for Vermette (out of his air chemistry research not his GCCP work), and a \$6,000 cut for Pepler (out of his precipitation monitoring activity in Chicago not related to any GCCP work). Each of the four Office Directors had personally had their GRF reduced from 100 percent to about 80 percent as we had incurred even larger cuts of 10 percent and 15 percent (versus the current plan for 5 percent) in the previous two fiscal years. Stensland indicated that Changnon (nor Vermette) had been cut the previous years and it was their turns to share in cuts. Stensland had total support from his Office Directors in the GRF reduction plan and Chief O'Connor was told verbally of this support, sometime before his March 18 meeting with Changnon. A written description of Stensland's agreement with the specific proposal to cut \$35,000 in GRF in his Division is described in a memo to Dr. O'Connor dated May 5, 1993 (copy attached).

After Peden became Acting Chief on May 5, 1993, he had to prepare a written plan to meet the 5 percent budget cut for approval by Director Moore since evidently Dr. O'Connor's plan had not been approved by Director Moore. Thus in June, Peden asked Stensland for his recommendation and Stensland wrote a memo on June 4 to indicate that he continued to favor his original plan, which included the cut for Stan Changnon. Peden told Stensland that he was sure that Director Moore would find the cut for Changnon unacceptable and that he could thus not submit such a plan. Stensland does not remember what Peden finally proposed as cuts for the Atmospheric Sciences Division. In July 1993 the Acting Chief learned that the FY94 budget would not require that the 5 percent cuts be implemented.

Conflict of Interest

With the current structure at the Water Survey, Joyce Changnon has leadership roles in both personnel and financial records and administration. Although Mrs. Changnon does not report directly to the Chief, in practice she has often done so due in a substantial way because of her strong will.

Stanley Changnon, Chief Emeritus, and previously head of atmospheric sciences, has direct influence on many staff because he is a principal investigator on one \$500,000 per year project and is the "founding father" and senior scientist of another project with a \$400,000/year budget. Indirectly, the views of a past Chief like Changnon will always garner significant attention of Water Survey staff as well as non-Water Survey staff. Points listed above demonstrate the negative views being expressed by him about Chief O'Connor. Points listed above also illustrate obvious conflict-of-interest situations

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which I believe represent a major element in understanding why the Water Survey ended up in this Dr. O'Connor mess that should never have evolved into a crisis.

I and many others believe that the conflict-of-interest situation is obvious, should not be present, and is an important factor in the O'Connor crisis. In May or June 1993 in discussing aspects of the O'Connor situation with Acting Chief Peden, he offered the opinion that it was indeed impossible for anyone to truly be Chief if Stan Changnon was at the Water Survey.

Other Noteworthy Incidents

- On more than one occasion Joyce Changnon stated to a staff member that she (Joyce) "runs the place." On another occasion she went so far as to attest that she (Joyce) personally had the power to have the staff member fired (the staff member noted that this threat occurred in the absence of any direct line of authority, transgression, or wrongdoing on the part of the staff member). [The staff member declines to be named in this letter because of fear of retribution, but will come forward and swear to these facts in a legal proceeding with protection of attorney.]

On many occasions in the last five years, I (Stensland) have had Water Survey scientists comment that Joyce Changnon has too much power, that she "runs the place."

- In Spring 1993, a Water Survey staff member was approached by Joyce, who requested that the staff member sign a written complaint against the Chief stating that the staff member was working on a project which was the Chief's private consulting. (The staff member declined to sign since the project was routine business on the part of the Chief.) The point is that Joyce, a person with a great deal of perceived authority was soliciting complaints against the Chief, and referred to him as an "idiot." Joyce was promoting an atmosphere of disloyalty and discord.

- About a year ago Laurie Talkington (former Director, Office of Publication Services) was asked by Stan Changnon to process and publish as Water Survey miscellaneous publications two, single-author items, neither of which had a Water Survey author. She, according to her usual procedure, routed these two items to Karr and O'Connor for approval. The authors of these two items had worked with Stan Changnon in the past, and one had worked at the Water Survey for a period in the 1980's. O'Connor objected to using Water Survey funds to publish these two short papers/reports since there were no Water Survey authors. O'Connor so informed Stan. Next these two items were submitted again to Laurie, with Stan's name added as the second author on each of these publications. I don't think O'Connor acted on these "modified items" before he was put on

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administrative leave on May 5, 1993. O'Connor had sought my guidance in this case. O'Connor was very irritated when Changnon's name was added to "get them through the system." Although I'm sure Stan was angered by this episode, the Chief handled the issue in an appropriate way, in the way that I would expect someone with his "high principles" to act.

A few months ago Laurie was contacted by and offered a much higher paying job at the University of Illinois Foundation, which she accepted.

- Stan Changnon has worked very hard, using his Washington, DC, and University of Illinois connections and years of experience, to attempt to get a NOAA Institute located on the UI/Water Survey campus. I think he will be successful in this, and it will represent an important contribution to the Water Survey. From Fall 1992 to Spring 1993 he met at least three times with Dr. Chester Gardner, Dean of the UI Graduate School and Vice-Chancellor for Research, without advance notice to me as Division Head or to Chief O'Connor. It was embarrassing for me to have to inform the Chief that such a meeting had taken place, without advance notice, since Dr. Gardner is the principal University administrative contact for Survey Chiefs. I felt it did not show appropriate respect by a past Chief for a present Chief. However, given the dates of the various "incidents" described in this letter, in hindsight it appears that Stan and his wife had developed animosity very early in O'Connor's tenure at the Water Survey and this might be one important explanation for not working closely with the Chief in these meetings with Dr. Gardner.
- The incident that has been described by O'Connor in which Joyce Changnon cries in his office (in about October 1992) seems entirely credible based on my overall knowledge of the issue (permanent residency in the U.S. for foreign nationals) and the personalities. I think this is a critical event in the multitude of Changnon related events that preceded the May 5, 1993, action against O'Connor. The event would likely have caused Chief O'Connor to lose much respect and confidence in Joyce's work and her opinions. Furthermore this traumatic event helps explain the actions and attitudes of Joyce toward the Chief since Fall 1992.

There are other incidents that could be discussed but I firmly believe that the above discussion provides a foundation which shows that Chief O'Connor became entangled in a web which has led to the crisis that now exists. One cannot understand the string of false allegations against a decent, honorable, honest, hard working, and potentially great Chief without understanding the people and motives behind the allegations.

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Whatever fallout occurred between Chief O'Connor and the Changnons and Ron Karr began so early in his tenure that he was denied the benefit of a loyal, honest Assistant to the Chief or the objective, support advise of his personnel and financial officer. That was important in setting the stage for a frame-up. In effect, they refused to work with him in accord with their obligation to the Water Survey.

This wrap-up paragraph reflects the valid concern by my wife. Am I vulnerable to law suits because of this letter which reflects my commitment to see that justice prevails? Should a lawyer examine this letter on my behalf? Should not a lawyer be available to me since I am an employee of the Water Survey? I certainly do not want to hear that I should discuss this with Director Moore or an ENR lawyer, nor do I think they should see this letter or become aware of its contents.

From the knowledge that I and others are providing the BNRC in our letters, it seems indisputable that some Water Survey staff (e.g. Changnons and Karr) have worked as a team with ENR staff to produce the crisis, and its false allegations against O'Connor. A large number of staff at the Water Survey fear the perceived and real power of the Changnons. One recent staff member surprised me with his perception of this power, his fear to speak out, and his comment that the perception of the power of the Changnons is so widely known that he called it part of the "Water Survey folklore." I do not mean to imply that only the motives and actions of the Changnons' need to be examined and understood. My emphasis on them stems from the dominant role displayed in the CMS report by Joyce (and secondarily, in my opinion, by Ron Karr), from the universal comments I have gotten from Water Survey staff about their "power," and from my relative familiarity with their activities and actions over a long period of time.

In reading the CMS Report, it appears that Joyce Changnon was considered the authoritative source for developing and supporting several of the allegations. Therefore it seems necessary to understand that she had developed considerable animosity towards Chief O'Connor. It was becoming clear that she would no longer "run the place" as long as Dr. O'Connor was Chief. It appears that Dr. O'Connor and Joyce Changnon can no longer both have their positions and responsibilities. It is clear to me that most staff would rather have O'Connor as Chief than to have Joyce in her current position.

a vast majority of
I hope to hear directly from you, at least with a brief note or brief telephone call to acknowledge receipt of this letter. Although I will be at a meeting in Arizona from April 3-11, my secretary, Lori Nappe, will know how to reach me and can be completely trusted to maintain any desired confidentiality. I am certainly willing to meet with the BNRC to answer questions to my letters.

Sincerely,

CONFIDENTIAL

Gary J. Stensland, Ph.D. '
Head, Atmospheric Sciences Division
Work Telephone: 217/244-2522
Home Telephone: 217/344-7919

c: Herb Gutowsky ← *crossed out*



Atmospheric Sciences Division

2204 Griffith Drive
Champaign, Illinois 61820-7495
Telephone (217) 244-2522
Telefax (217) 333-6540

TO: Dr. John Yopp
FROM: Gary Stensland
DATE: May 4, 1994
SUBJECT: Comments on Job Performance of Chief O'Connor

I remember a conversation in approximately March 1993 with Dr. James Gibson of Colorado State University. He asked how the new Chief was doing. I said I thought he was doing a great job. He was dealing difficult issues and objectively making decisions. He was not dodging tough issues. He was seeking to improve the overall level of quality of the organization. Not everyone was happy but I was pleased with the approach. I still feel this way.

Should Dr. O'Connor be reinstated? Definitely.

1. It appears that the process against O'Connor has been unfair. To partly rectify this, some staff should be held accountable for allegations they endorsed and promoted.
2. It appears that the allegations singly and in total do not support him being kicked out.
3. It is thus only fair and proper that he be reinstated.
4. A few will be very unhappy if he is reinstated. A lot more will be very angry if he is not reinstated. Those somewhat neutral will be glad it is over and will cooperate with O'Connor.
5. The honor and reputation of the Water Survey is at stake. If O'Connor is not reinstated a tremendous number of scientists and organizations around the U.S. will conclude that politics won out, that the Water Survey is under the control of politicians, and that on issues like acid rain, wetlands, levees, and ethanol usage, the Water Survey views are tainted by politics.
6. The O'Connor charges and process have already caused us to lose two outstanding leaders that I am aware of, one being a young Ph.D. scientist that was a **tremendous** asset to the Water Survey. If O'Connor is not reinstated we will likely lose **many** more quality staff members over the next one to two years. This loss greatly exceeds in value the loss if O'Connor is reinstated and some accusers choose to leave the Water Survey.

7. My confidence is that O'Connor upon reinstatement, will quickly remove the atmosphere of fear, and will get the Water Survey moving again in the right direction, towards openness and higher levels of service and quality. O'Connor is very much a people person, he shows interest and concern for all Water Survey staff at all levels. I think he is very likely to move the Water Survey forward in a positive way. In eight months, he was not given a chance to prove himself as a Chief.

8. Dr. O'Connor divided his time between being a scientific leader and evaluator and being a manager. If GRF funds are to be used effectively, which might include reallocation to increase overall quality and specific program quality, then it is especially important that the Chief fulfill his role as a scientific leader. It seems that Division Heads should be able to provide great assistance in the area of management. In the first year or two of a new Chief it seems especially important for the Division Heads to be supportive of the Chief and to be a positive interface with their staff. Perhaps ~~with~~ was not done well by the Division Heads. I think some Division Heads and many other staff were unreasonably resistant and critical to changes being made by Chief O'Connor. *This*

P.S. Many Water Survey staff feel Springfield will penalize the Water Survey if BRNC reinstates O'Connor. With the strength and support of the BRNC I think this risk is small.



Atmospheric Sciences Division

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CONFIDENTIAL

TO: Dr. John Yopp
FROM: Gary Stensland
DATE: May 4, 1994
SUBJECT: Some Confidential Remarks on O'Connor:
Ethanol and Job Evaluation

An accompanying memo provides some remarks on ethanol that relate to the programs for three meetings organized by me and sent to you two days ago. Two additional remarks that I wanted to share with you personally are:

1. Through my "rumor mill" I have learned that Stan Changnon was asked to meet with the Governor (or his staff) last spring about ethanol. I believe my rumor source and they may be compromised if it is learned that I was told about this meeting.
2. Through a different rumor mill I learned that Mr. Andreas, CEO of ADM, met with the Governor about his concern with the Water Survey ethanol meeting that was then being planned.

These two rumors are significant ^{in factors} in my belief that ethanol was a big issue that relates to the attempt to remove Chief O'Connor.

When I met last week with Gomes, Gutowsky, and Benton, I compared O'Connor to Chief Semonin. The remarks below summarize some of my oral comments to them. I fear if Director Moore reads these remarks, then Semonin will learn of them. So I prefer that these written remarks be kept for your own use.

I served as Section and Division Head under Chief Semonin. Although Dick Semonin hired me and I've always considered him a friend, I would say that I was much happier serving as Division Head under O'Connor than under Semonin. It was difficult or impossible to discuss controversial issues with Semonin. With O'Connor this was not the case.

e.g. by heading

In most ways I found O'Connor to be a superior Chief to Semonin and was very pleased with him as my boss. Chief O'Connor showed good balance between **research** and **service**. In academia, he had stressed to citizens (workshops for Missouri engineers).

service

From 1986-1990 while Semonin was Chief, I was head of one **scientific** section. The other heads were Dr. Pete Lamb, Dr. Michael Barcelona, Dr. Raman Raman, Mr. Mark Peden, Mr. Michael Terstriep, and Mr. Ellis Sanderson. In this period there was tremendous discontent with Chief Semonin by four to five section heads. Very few staff meetings were held. A widespread concern was that during this time Ron Karr, and to a lesser extent Joyce Changnon, were running the Survey. I was a "new administrator" in this period and attempted to be positive about Chief Semonin and the Water Survey in this low morale period. During this time period I would go for many weeks without speaking to Chief Semonin by phone or in a meeting. My section and I basically took care of ourselves.

In 1989-1990, Semonin formed Divisions, three technical and one administrative. In hindsight, I see it to be a mistake to make administrative support groups a **division** (but it was an improvement over the previous few years where Semonin appeared to rely almost solely on Ron Karr and Joyce Changnon to run the place).

Summary

1. O'Connor is rated by me much higher than Semonin.
2. Administration-types were given much more power under Semonin.
3. The idea of Semonin being an Acting Chief has been mentioned. I would suggest that ~~that~~ ^{THIS} would be a big mistake and know other senior people share this view.
4. We have not had enough time to truly judge Dr. O'Connor as a Chief. But I believe the outlook is very good that he ~~would~~ ^{will} be a strong and effective Chief.

Thanks again for your leadership in this difficult issue. Lori Nappe at the Water Survey (217/244-2522) knows how to reach me in Tucson if that should be necessary.

ljn



taxed TEXT to Lori so no time to print
Don't think I have on floppy

Illinois State Water Survey

Atmospheric Sciences Division

2204 Griffith Drive
Champaign, Illinois 61820-7495
Telephone (217) 244-2522
Telefax (217) 333-6540

TO: Dr. John Yopp, Acting Chair
Board of Natural Resources and Conservation

FROM: Dr. Gary Stensland

DATE: May 4, 1994

SUBJECT: Comments on Ethanol

A few days ago I sent materials to indicate that I have organized three environmental meetings, as technical program co-chair. The most recent one, *Global Climate Change (GCC) Science, Policy, and Mitigation*, is typical of my interest in organizing meetings that cover the entire issue and not just the physical and chemical science aspects of the environmental topic. This is also consistent with the objectives of the professional organization of 15,000 members that I have been very active in since 1969, the Air and Waste Management Association (AWMA). The recent GCC meeting was attended by 300 people, including attendees from 22 countries. The meeting was subsidized by about \$75,000 that was obtained from more than a dozen private companies or agencies. We included all viewpoints in the meeting. For example some of the speakers questioned whether climate change was even happening and whether any change would be due to particles (sulfate) rather than due to greenhouse gases.

The ethanol meeting held in April 1993 in Champaign was of the same pattern as the GCC meeting, but was on a smaller scale. Although a committee of five Ph.D.'s organized the meeting, I was the leader of the effort. The chronology that I sent a couple days ago indicates that I spent a significant amount of time over an **entire year** to plan the ethanol meeting. AWMA wanted me to plan a national meeting on ethanol, that would cover **both** sides of the issue. They cautioned against a Champaign location for the meeting because it would then be perceived to be a pro-ethanol meeting. I decided that I would instead do a regional meeting but would seek top national speakers and would strive for a balanced meeting, i.e., not just have pro-ethanol speakers. Three important factors in deciding to have a regional instead of a national meeting were that: a) I wanted to hold the meeting quickly (most national meetings require more than one year to organize), b) I wanted to develop ties with the University of Illinois (two University of Illinois professors, on the organizing committee), and c) the new Chief, Dr. O'Connor, was expressing in holding more meetings and workshops **as** a result of the ethanol meeting and the negative comments about the Water Survey having a meeting on a "controversial" issue. The interest of myself and other Water Survey scientists in organizing such Illinois meetings has decreased to almost zero.



A Division of the

Illinois Department of Energy and Natural Resources

interest were

For the speakers for the ethanol meeting the organizing committee made a large number of telephone calls to seek input on candidate speakers. It was a careful and thorough process. We preferred not to have Water Survey or ENR speakers.

The organizing committee was unanimous in their view that they did not want an ENR-Springfield staff member on the committee, but would seek their input on potential speakers, sought to have them display an E-85 car at the meeting, and assumed they would participate as attendees at the meeting. Of course the record shows that ENR basically refused to cooperate and exerted pressure in several ways to influence the meeting to be exclusively pro-ethanol. This is contrary to the spirit of a "balanced" meeting.

The CMS report refers to a name that I would not provide ~~to~~ them. The name was Michael Tumbleson. I will be happy to explain to the BNRC why I was reluctant to supply this name. Ask if you would like such an explanation. I also refused to supply the name of an IEPA official, Mr. Dennis Lawler, and will be happy to discuss the reason for this if the BRNC so requests.

I remain convinced that ethanol was an important ingredient in explaining why Chief O'Connor was made the subject of a long list of allegations to cause his removal as Chief.

The CMS report indicates that the March 1993 telephone call to Stensland from Yonkauski was a friendly warning. It was **not taken** to be a friendly warning by Stensland, the other members of the ethanol meeting organizing committee, or the other scientists at the Water Survey that were immediately told about the warning. The CMS report states that Stensland "asserts" that he wrote notes about the telephone call immediately after the call. I thought someone would eventually question the accuracy of my memory on this issue so I **did immediately** write notes and also within a day told several scientists about the call so it could not be later suggested that I fabricated the contents of the call long after its occurrence.

The ethanol issue has significantly stymied the willingness of Water Survey scientists to comment on issue that are perceived to be controversial.

ljn



APPEAL TO THE BOARD OF NATURAL RESOURCES AND CONSERVATION
FOR RELIEF FROM IMPOSITION OF ADMINISTRATIVE LEAVE
John T. O'Connor

On 5 May 1993, Director Moore called me before an assembled group of Board members Herbert Gutowsky, Robert Benton, P.E., and John Yopp. Also present was ENR Counsel, Stanley Yonkauski. At that meeting, I was served with the attached letter placing me on paid administrative leave based on, as yet, undisclosed allegations. This action, in effect, denies me opportunities to pursue my research, writing and library work. Even the direction of the doctoral student I have been advising is denied. While Director Moore argued that this severe action was necessitated by the serious nature of the allegations made against me, neither the Board members present nor I were presented with any particulars. Verbally, Director Moore indicated that "criminal activities" involving the use of the telephone and State vehicle were among the allegations to be made.

I appeal to the Board to review the allegations when they become available and, if they feel that such a sanction against me is excessive, restore my right to utilize such Water Survey facilities as are needed for my scholarly activities.

I would also like the Board to consider whether more appropriate actions could have been taken by Director Moore in light of the attached correspondence and the Board's own grievance procedures. ENR's actions appear to have maximized the use of force and minimized the opportunity for reconciliation.

Philosophically, I feel that the productive life of each of us is measured in days. The loss of each day of opportunity to do creative work is serious to those whose life's work is measured by their contribution to the advancement of science. In selecting me as Chief of the Water Survey, I felt you had provided me with the opportunity to undertake some of my most creative work. However, particularly as a Chief who has had to plan for budget reductions, I have also become a target for those who feel their security may be threatened. I believe those people should, and will, be heard. I was certainly willing to make myself available to address their concerns at all times.

Because of the sincere efforts that I have made to deal with the issues of budget impact on both an individual and group basis, I feel that undocumented allegations should not be the basis for taking my precious days and resources for research from me. I look to each of you for understanding that I, too, have human rights, can be harassed and intimidated, and, ultimately, can suffer damage to what is most precious to me, my professional reputation.

I hereby ask the Board to hear me or, at least, allow me to provide a summary of the actions I have taken in trying to perform my duties as Chief.

John T. O'Connor

Friday, April 29, 1994

2118 Robert Drive
Champaign, IL 61821

To: Members, Board of Natural Resources and Conservation
From: John T. O'Connor
Re: Response to David Woodruff's "Comments" of 13 April 1994

Enclosed are my responses to the issues revisited in Mr. Woodruff's renewed investigation. I plan to respond to each of these attacks so long as the State investigator remains authorized to continue his efforts to discredit me and those who have come forward to support me.

I would also like to share some thoughts with the Board in the aftermath of the Special Board meeting of 12 April 1994. From the hostility shown by several Board members at that meeting, it seems likely that, with the added vote of DENR Director Moore, I will lose my position at the next Special Board meeting. Accordingly, I would like to make several appeals beforehand.

First, I request that Dr. Metcalf either be present at the 5 May meeting or that his vote on the issues to be addressed be allowed *in absentia*. While I do not know Dr. Metcalf or his position regarding the actions taken against me, I understand that he is a decent, scholarly man who has not taken an active role in injuring my reputation. I believe that, with such a small constituency, the Board can not afford to ignore the input of a single member.

Secondly, I request that every effort be made to preclude DENR Director Moore from voting on *any* issues related to the investigation and my reinstatement. My attorney has already stated specific legal objections to his involvement several times. Director Moore's continued involvement can only compromise the validity of any Board action.

Third, I request that the Board specify the basis for any adverse judgement against me. If the Board recommends that my employment be terminated, it is only appropriate, at least for historical purposes, that the Board indicate the basis for their decision. Which allegations were felt to be sufficiently compelling to warrant the actions taken? This could have major implications for my future employment prospects. It could also impact my attempts to preserve my professional and personal reputation. It could affect my professional registration.

Fourth, the Board's recent actions have now co-mingled the *investigation of the allegations* presented to them by the DENR with the Water Survey staff *assessment of my performance* as Chief. Here again, it seems necessary for the Board to qualify the basis for any adverse action taken against me.

Finally, there can be no question that the year-long disruption of the continuity of management of the Water Survey has had a profound influence on the morale, confidence, sense of security and pride of the Water Survey staff. This outcome of an unfair procedure and prolonged investigation should not be used as an excuse to dismiss me. I believe the opposite is true. I earnestly believe that I have increasingly become the symbol of hope for the future for the large majority of the scientific staff within the Water Survey. My dismissal will be symbolic of what influences the Water Survey will have to withstand in the future whereas my retention will reestablish the role of the Board in safeguarding the scientific integrity of all the scientific surveys. The Board's decision will serve as a landmark and remain part of the archives of the Water Survey for as long as the institution survives.



Board of Natural Resources and Conservation
325 West Adams Street
Springfield, Illinois

John S. Moore
Chairman

May 12, 1994

John T. O'Connor
2118 Robert Drive
Champaign, IL 61821

Dear Chief O'Connor:

The Board of Natural Resources and Conservation voted in public session to authorize removing you from Administrative leave and returning you to active service as Chief of the Illinois State Water Survey. The motion regarding your reinstatement was as follows:

John T. O'Connor is to be removed from Administrative leave and returned to active duty as Chief of the State Water Survey effective upon written acceptance of specific conditions of performance. These conditions will be closely monitored by the Board and will be treated as a confidential personnel matter between the Board and the Chief.

The minutes of the Board meeting will record a vote of 3 (three) members in favor of the motion and 2 (two) members in opposition. Director Moore recused himself from the deliberations and from the vote on the motion, Dr. Roy Taylor was absent at the time of the vote and Dr. Yopp did not vote because he was serving as the Board chair.

Enclosed is the Board report on its findings regarding the allegations of improprieties and on your cross-allegation that politics played a role in the development of these allegations. Please note that the Board dismissed a number of the allegations and found some unsubstantiated. However, the Board also found that your actions on some matters were carried out in an inappropriate manner. It was the Board's findings on the allegations that gave rise to the conditions of your reinstatement. Attached is a statement that you must sign accepting the conditions before you can return to your office. Please return the form to John S. Moore, Chairman of the Board and Director of the Department of Energy and Natural Resources no later than May 25, 1994. It will be his duty as Director and Chairman to act in the day-to-day monitoring of your compliance with these conditions and he will contact you after receipt of your acceptance to discuss arrangements for your return to active service.

The Board has used conditions such as these in other instances where there was some dissatisfaction with the management of a Survey. The Board is particularly concerned that you begin work to improve morale at the Survey; this is the rationale for the fourth condition included with this letter. An essential component of the plan to ease polarization and to improve morale is your commitment, in writing, not to commence or maintain any legal action against the Board, the Department and its staff or the University

John T. O'Connor
May 11, 1994
Page Two

and its staff for possible claims arising out of the allegations made against you and the subsequent investigation. Acceptance of the conditions does not require a covenant not to sue. However, we believe that your voluntary commitment is evidence of your intent to ease polarization and improve morale. Significant numbers of Survey staff would question your commitment to reconciliation without such a commitment. The Board will closely monitor your compliance with these conditions and you should know that your failure to abide by these conditions will adversely affect your next performance review.

I was gratified to hear that you recognize the need to begin the work of reconciliation and that you recognize the need to show that there will be no retaliation against the staff of the Survey. The Board is eager to get the Illinois State Water Survey back to performing the research that has made it an internationally recognized institution of applied and basic research.

Sincerely,

H. S. Gutowsky
H. S. Gutowsky
Secretary

Enclosure

cc: Members BNRC
S. Yonkauski
J. Steven Beckett

The Board of Natural Resources and Conservation is authorized by statute to review the research programs of the Surveys, to select and appoint staff to the scientific surveys without reference to the State Civil Service laws (20 ILCS 1105/6). Interpreting this statutory authority in a manner that permits the reasonable implementation of its intent, the Board reviews and approves all manner of personnel actions including hiring, promotions and termination.

In Dr. O'Connor's case, allegations of impropriety came from the staff of the Water Survey. The Board is obligated to investigate, or cause to be investigated, allegations of impropriety that calls into question the ability of a chief to serve the Survey effectively. The Board relies on the sections of the Common Police Manual related to the evaluations of the Chief and termination of staff for guidance in reaching a conclusion to this matter.

The Board has reviewed Chief O'Connor's performance in the context of the allegation of improprieties and has provided the Chief an opportunity to review and respond to the investigative reports prepared by the Illinois Department of Central Management Services counsel and the Illinois State Police. The Board has also received comment from the staff of the Survey and from other interested parties and this information was used to reach a decision in this matter.

All allegations relate to Chief O'Connor unless otherwise stated. Following is a list of the allegations and the Board's findings:

I. Sexual harrassment of visitors or staff of the Water Survey.

Finding: The Board dismisses the allegation of sexual harrassment against Chief O'Connor. At the February meeting the Board noted that no grievance had been filed and the Board decided and so notified Chief O'Connor of the intent to dismiss the allegations.

II. Improper interference with the Hiring Procedures for State Water Survey Employees - Graduate Student Position.

Finding: The Board dismisses the allegation. At the February meeting, the Board dismissed this allegation and so notified Chief O'Connor.

III. Improper authorization to move non-Survey staff personal effects from Columbia, Missouri to Champaign, Illinois (Blaise Brazo's personal effects moved at State expense - pages 1 and 2 of the State Police letter).

Finding: The Board drops the allegation based upon the fact that the Champaign County State's Attorney declined to prosecute.

IV. Improper use of Survey staff and resources for non-Survey related activities. (Survey staff typing non-Survey related reports and correspondence and non-Survey related telephone calls to Columbia, Missouri - page 2 of the State Police letter).

Finding: The Board drops the allegation based upon the fact that the Champaign County State's Attorney declined to prosecute.

V. Resistance in assisting foreign nationals employed by the Water Survey in obtaining permanent residency or other favorable visa status (applications for Nahui Song and Abiola Akanbi).

Finding: The Board finds that for this allegation, Chief O'Connor's actions were within the scope of his duties, but were carried out in an inappropriate fashion.

VI. Delaying or denying approval for research projects on the basis of discriminatory race and national origin considerations : a) Physical Effects of Barge Tows on the Upper Mississippi River System-Amendment #9; Sampling of Illinois Lakes, and Small-Scale Rainstorm Climatology and Hydrological Effects.

Finding: As a result of the Board's investigation, this allegation cannot be substantiated.

VII. Improper interference with the hiring procedures for State Water Survey employees (Geographic Information System Position and Microbiologist Position).

Finding: The Board finds evidence that the actions taken by Chief O'Connor in these two cases were inconsistent and inappropriate.

VIII. Imposition of budget reduction recommendations on the basis of racial or national origin considerations.

Finding: The Board affirms that budget decisions made on a programmatic basis are appropriate and within the scope of a chief's duties. Budget decisions made on race or national origin are inappropriate. As a result of the investigation, this allegation cannot be substantiated.

VIV: Cross-Allegation: The allegations of misconduct by John T. O'Connor are the results of retaliatory conduct by John S. Moore due to the State Water Survey sponsorship of an ethanol related symposium.

Preamble: The Board has the responsibility to ensure the integrity of the research conducted and reported by the State Scientific Surveys. This includes freedom from political influence.

The Scientific Surveys are State Surveys and function to serve the State in acquiring scientific knowledge that may be requested through the legislative process.

Finding: Dr. O'Connor has charged that Director John S. Moore instituted allegations of misconduct against him because of State Water Survey sponsorship of an ethanol related

symposium. The Board has found no relationship between these allegations and the symposium.

Motion

John T. O'Connor is to be removed from Administrative leave and returned to active duty as Chief of the State Water Survey effective upon written acceptance of specific conditions of performance. These conditions will be closely monitored by the Board and will be treated as a confidential personnel matter between the Board and the Chief.

John T. O'Connor
2118 Robert Dr.
Champaign IL 61820

Eileen M. Donahue
Attorney Registration and
Disciplinary Commission
One Prudential Plaza
130 E Randolph Drive
Chicago IL 60601-6219

20 April 1994

Re: No. 94 SI 01200

Dear Ms. Donahue,

Thank you for your speedy handling of this matter and for the opportunity to respond to Mr. Yonkauski's letter of 7 April. As I have already given you the broad outline of my complaint in my last letter, I think it would be most effective in this letter for me to quote from Mr. Yonkauski's response and comment on those quotes. This letter will argue that Mr. Yonkauski offers little more than a conclusory denial of my complaint without attempting to substantiate that denial.

1) "It is within the scope of my employment to receive and, if appropriate, investigate or cause to be investigated complaints concerning conduct of the staff and management of the Department."

I have not disputed this point. I agree completely that it is within the General Counsel's purview to investigate complaints about my conduct. It is because Mr. Yonkauski possessed this authority, as a lawyer, that his charges that I was guilty of sexual harassment were so damaging to me. I contend that Mr. Yonkauski did not receive complaints about me concerning sexual harassment and, for this reason, his initiation of an investigation on that point was not appropriate.

2) "The matter that forms the basis for Dr. O'Connor's complaint is an unresolved administrative disciplinary matter. Because it is unresolved and because it involves personnel matters that the Department considers confidential I am constrained from providing you complete details or documentation."

While Mr. Yonkauski is correct that the overall case against me by the Department of Energy and Natural Resources is an unresolved matter, the substance of my complaint, at least as it relates to the charge of sexual harassment, is completely resolved. Mr. Woodruff, the Central Management Services investigator, has found that there is no credible evidence that I am guilty of sexual harassment and Mr. Yonkauski apparently agrees. Mr. Yonkauski is relying on his argument that this situation is "unresolved" and that it concerns personnel matters

that the Department considers confidential to absolve himself of any responsibility to account for his actions. It does not seem just to me that he should be able by fiat to erect a complete barrier to an inquiry into the propriety of his actions.

3) "During the winter of 1992-1993 I began receiving complaints concerning Dr. O'Connor's behavior toward staff of the Survey and conduct of Survey operations. The allegations included....sexual harassment."

This is a very interesting statement. I would like to quote, once again, from page 36 of the investigative report of Mr. David Woodruff of the Central Management Services: "At the time of the initial conferences between ENR General Counsel and CMS Legal Services, there were preliminary indications by General Counsel that he had received generalized reports of purported conduct by Chief O'Connor seemingly indicating instances of sexual harassment at the SWS. GENERAL COUNSEL HAD NO FIRST HAND INFORMATION, I.E., NO COMPLAINTS DIRECTED TO HIS PERSONAL ATTENTION." (emphasis added) Mr. Woodruff goes on to say that on June 17 1993, "General Counsel advised CMS Legal Services that, 'the Water Survey has no knowledge of sexual harassment complaints.'" If the Water Survey had no knowledge of complaints, then perhaps Mr. Yonkauski can explain how these complaints reached him. Finally, Mr. Woodruff states, "These allegations, according to General Counsel, were 'never official reports to the administrative staff of the Water Survey.'"

There is a direct conflict between Mr. Yonkauski and Mr. Woodruff. Yonkauski claims to have received complaints, while Woodruff claims that in his interview with Yonkauski, he denied receiving complaints. It will be impossible to resolve this conflict if Mr. Yonkauski is successful in his assertion that, because this is an unresolved personnel matter that DENR considers confidential, he is not required to provide any documentary support for his conclusory assertion that he did receive complaints and was, therefore, justified in charging me with sexual harassment.

I would also like to point out that the Board of Natural Resources and Conservation's Common Policy and Information Manual, which provides a rather detailed outline for the proper treatment of sexual harassment and other personnel complaints and with which Mr. Yonkauski is intimately familiar, REQUIRES the submission of written complaints in such situations. Mr. Yonkauski's statement that the sexual harassment complaints were "never official reports to the administrative staff of the Water Survey" seems to be taken from a letter to Mr. Woodruff and should be easy to recover. If this statement is true, then Mr. Yonkauski's decision to charge me with sexual harassment violated the policy of his employer, the BNRC.

In conclusion, there should be documentary evidence to support Mr. Yonkauski's assertion that he did, in fact, receive complaints before deciding to charge me with sexual harassment. I have shown documentary evidence to support my complaint. Mr. Yonkauski should be asked to show whatever evidence he possesses to support his defense. I do not ask to see this evidence myself. I understand that that would be improper. However, I cannot believe that the Commission does not have procedures for dealing with such "confidential" matters as those involved in this case. I believe that Mr. Yonkauski should be asked to provide evidence to your Commission in a closed session proceeding. Naturally, documentary evidence would be the best source, particularly since, as I have pointed out, such written complaints are required by the BNRC's policy. However, perhaps Mr. Yonkauski can provide your Commission with the names of the complainants so that you may verify the existence of their oral complaints.

4) "All of the allegations were based on information provided by Survey staff."

Once again, WHO provided this information? When was this information supplied and in what form?

5) "I neither directed nor participated in the investigation. However, I was one of several persons interviewed by the CMS investigator."

This statement apparently relates to my complaint that it was improper for Mr. Yonkauski to accept the responsibility of drafting a "neutral" procedure under which the Board would hear my case. I have not alleged that Mr. Yonkauski directed the investigation. Mr. Yonkauski has failed to address most of the reasons why I feel that he should have allowed a disinterested attorney to write the procedure. I repeat these reasons:

1) Mr. Yonkauski was a material witness against me.

2) Mr. Yonkauski had already told my attorney that he was convinced of my guilt.

3) Mr. Yonkauski compiled the list of charges against me, in effect "charging" me with the offenses listed.

6) "During the course of the investigation I independently received information that indicated that the sexual harassment allegation may be baseless which I promptly reported to the CMS investigator."

I think that this is also a statement worthy of investigation. Mr. Woodruff's report does not conflict directly. However, Mr. Woodruff seems to suggest that what was reported to

him by Mr. Yonkauski was a LACK of information that would verify the sexual harassment charge, not new information that brought that charge into doubt, as Mr. Yonkauski now claims. When and in what form did Mr. Yonkauski receive this new exculpatory information? WHO transmitted this information to him? Surely he can document his assertion.

7) "Contrary to Dr. O'Connor's assertion I have neither contacted the press nor released the nature of the allegations to the public. The May 8 1993 article that the complainant included with his complaint does not even mention sexual harassment as one of the allegations."

At this point, I cannot prove that Mr. Yonkauski was directly responsible for the release of the allegations to the public. However, there is one man who can answer this question. Representative Timothy Johnson of Urbana was quoted in the 8 May News-Gazette article as having spoken with "authorities at the natural resources department." I should like to know with whom exactly he spoke and what charges were revealed to him. I have written to him asking these questions but have not yet received a response. Perhaps your Commission would have better luck. I believe that either Mr. Yonkauski or Mr. Jack Moore, Director of DENR revealed the charge of sexual harassment to Mr. Johnson. For purposes of this investigation, Rep. Johnson should have been considered a member of the public. Revealing the charges to him directly resulted in their release to the press. Whether the party responsible for revealing the charges to Rep. Johnson was Mr. Yonkauski or Mr. Moore, I believe that it was part of a calculated campaign to discredit me in the press. Mr. Yonkauski should have been responsible for keeping the charges confidential until there was some amount of evidence to substantiate them.

Mr. Yonkauski points out that the first news article did not mention sexual harassment. This is true. However, the News-Gazette article states, "Johnson said the (DENR) official told him O'Connor allegedly harassed and intimidated Survey employees..." This supports my contention that some DENR official revealed the sexual harassment charge to Rep. Johnson because this was the only kind of harassment with which I was ever charged. Further, the existence of sexual harassment charges has been referred to explicitly in every news article since 8 May. I did not reveal the existence of such charges to Mr. Michael Hawthorne, the News-Gazette reporter who has been covering this story.

8) "As General Counsel for the Department it is fully within the scope of my employment to assist the development and implementation of procedures related to personnel matters, including disciplinary actions."

I do not dispute that ordinarily such duties are within the

scope of Mr. Yonkauski's employment. I have no basis upon which to challenge that assertion. However, I continue to claim that, under the circumstances of his personal involvement as one who opposes me, it was improper for him to serve his usual function as one who would write "neutral" review procedures for the BNRC when conducting a disciplinary hearing.

9) "Dr. O'Connor's complaint erroneously characterizes the BNRC's proceedings in this matter as an evidentiary hearing during which Dr. O'Connor will be 'judged.'"

I assume that the nature of the BNRC's proceeding is a legal question. I am not qualified to characterize the proceedings as an "evidentiary hearing." However, I would like to point out that I am a scientist with a long and heretofore distinguished career. I have been accused of many terrible and barbaric infractions including racism, sexism, and misuse of state resources. Far more than my continued employment is to be decided by the BNRC's resolution of these complaints. The Board will also decide whether I am to be forever linked in the public mind with the charges against me. It is disingenuous for Mr. Yonkauski to suggest that I am not being "judged" and, therefore, should accept whatever procedure he deigns to give me.

10) "It should be noted that the complaint filed with you is silent as to the fact that the only allegation which was not substantiated in the course of the investigations was the allegation of sexual harassment."

I fail to see how this statement contributes in any way to Mr. Yonkauski's defense. However, I will address it because it is blatantly untrue. First, several criminal allegations against me were investigated by the Illinois State Police. The State's Attorney found that the State Police investigative report failed to substantiate ANY of the criminal allegations and, thus, refused to file charges against me. Second, the CMS investigative report found that two other charges besides that of sexual harassment were unsubstantiated. The CMS investigator found that I did not improperly hire a University of Illinois student. The CMS investigator also could not substantiate one of the charges that I improperly refused to approve a research proposal.

This information is not really central to my complaint because my guilt or innocence of any of these other charges is irrelevant. I am not asking your Commission to rely on my credibility. I depend on statements by Mr. Yonkauski, Mr. Woodruff, and Rep. Johnson to make my case. However, I do want to point out that, in his response, Mr. Yonkauski has already made a statement that I can prove is untrue. As closely

involved as he has been in the investigations of me, I cannot believe that he did not know the statement was untrue when he made it.

11) "Further, requests for access to documents have been granted."

The Department of Energy and Natural Resources, subsequent to my initial complaint to your Commission, did allow me approximately five hours to inspect the files of the Chief at the Water Survey. First, I would point out that it took state agencies almost a year to investigate me and find the documents they needed to make their case. I was given five hours and should have had many more. Second, I was denied access to the files in the Contracts Office. Several of the charges against me relate to my handling of research proposals. The records of my actions relative to these research proposals are kept in the Contracts Office. Without access to those files, I am at a considerable disadvantage. Third, I was denied access to the files in the Personnel Office. Several of the charges against me relate to allegedly racist personnel decisions. Once again, to allow me to defend myself properly, I should have been granted access to these files. Fourth, I was denied access to my secretary's office computer. One of the charges against me concerned my alleged improper use of her time to type reports of my own private research. With access to that computer, I could have established the legitimate nature of that work. I should point out that my access to files at the Water Survey was supervised at all times by a DENR attorney. I cannot think of any reason why, with such supervision, I should have been denied access to any of these sources. Further, DENR officials did not give any reason why this denial was justified. I do not believe that a truly neutral attorney would have written a procedure that would place me at such a severe disadvantage.

12) "The BNRC has received correspondence from the complainant's attorney concerning my involvement in this matter. The acting chairman and the secretary of the BNRC do not agree that my continued participation is problematic."

I am alleging that Mr. Yonkauski has failed to adhere to the ethical standards of the legal profession. He points out that Dr. John Yopp, acting chairman of the Board, and Dr. Herbert Gutowski, secretary to the Board, have not found his participation to be "problematic." While both men are scientists of some renown, neither of them is a lawyer. Mr. Yonkauski is not reasonable to rely on their endorsement of his actions as proof of their propriety from a legal standpoint. As far as I know, the only legal opinion he ever received on this matter was from my lawyer and warned him that his conduct was improper. I would like to know if he ever consulted with another lawyer about the propriety of his actions.

13) "The matter that forms the basis for the proceedings before the BNRC is not conducive to easy resolution. It has involved long and difficult investigations and is the subject of a federal lawsuit filed by Dr. O'Connor. The complaint filed with you appears to be another element in a calculated campaign taken by the complainant to achieve his personal agenda. This is the second ARDC complaint filed against me in this matter. I believe that this pattern of vindictiveness and intimidation is calculated to serve the complainant's ends and divert attention away from the substance of the issues which are being considered by the BNRC."

I agree that the case of the charges against me is complex, is unresolved, and is the subject of a suit I have filed in Federal Court. However, this is not the subject of my complaint to your Commission. My questions to your Commission are quite simple and should be easy to resolve. First, did Mr. Yonkauski receive legitimate, documented complaints about me before deciding to charge me with sexual harassment? Second, was Mr. Yonkauski's participation in writing the procedure under which my case will be resolved by the BNRC in conformity with the standards of the legal profession? I think that Mr. Yonkauski is implying that, because the conflict from which my complaint arose is being dealt with elsewhere, your Commission ought not to inquire into the legality and propriety of his conduct as a lawyer. I cannot believe that this assumption is correct.

As for my complaint to your Commission being a part of a calculated campaign to achieve my personal agenda, Mr. Yonkauski is quite right. My personal agenda is to do everything I can to assure that I am treated according to my rights as a citizen of Illinois and of the United States. I do not think that this is an improper agenda.

I do not understand how Mr. Yonkauski can characterize my actions as a "pattern of vindictiveness and intimidation." I am in no position to intimidate Mr. Yonkauski. He has the agencies of the State Police at his disposal. Over the past year, he has been instrumental in locking me out of my office, in investigating me, and in destroying my good name in the community. He has had admirable success in all of these pursuits. For him to claim now that he is intimidated by me would be humorous indeed if the past year had not been so painful. I fail to see how my protest about his actions that seem to me improper should be characterized as "vindictiveness."

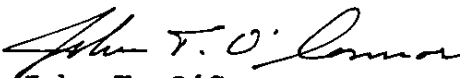
Finally, I want to point out that I am not at all eager to divert attention away from the issues being considered by the BNRC. I am innocent of all of the charges against me and hope to prove it. I have submitted a response to the Board that consists of almost five-hundred pages. My only chance of clearing my name is to assure that each allegation against me is investigated with

the greatest possible thoroughness. While I am attempting to respond to the substance of the charges against me, I do not understand why I should be precluded from complaining that the procedure seems grossly unfair.

In conclusion, I have shown the Commission documentary evidence that supports my complaint and is written by Mr. David Woodruff, a man who is not at all favorably disposed to me (I have enclosed a copy of his complete report so that you can verify for yourself that he is not a man likely to agree with me). Mr. Yonkauski has responded with a conclusory denial of my complaint, unsupported by any relevant documentary evidence. Further, his claims are either directly contradicted by Mr. Woodruff's report or else are inconsistent with it. Finally, at least one of the claims in his response, that relating to the number of unsubstantiated allegations against me, is demonstrably false without any investigation whatsoever. I think I am entitled to some formal verification of his claims. I understand that, if actual sexual harassment complainants do exist, they are also entitled to protection. I think that the Commission can achieve both goals with an executive session hearing featuring all suitable provisions for secrecy.

Thank you so much for your attentive handling of my complaint. I look forward to hearing how the Commission intends to proceed.

Sincerely,


John T. O'Connor

Opinions

Marajen Stavick Chnlgo... Board Chairman/Publisher
 John C. Hirschfeld President/CEO
 John R. Foreman Editor in Chief

'America, America, God shed His grace on thee; and crown
 thy good with brotherhood, from sea to shining sea.'

Settling accounts

More than a year after his suspension, John O'Connor is scheduled to return to work as chief of the Illinois State Water Survey.

O'Connor's job now is to look ahead, to heal whatever rifts were caused by the attempt to oust him and get on with the business of the water survey.

But O'Connor's obligations aside, the public is due an explanation for the soap opera that engulfed the water survey. There's something seriously wrong with what took place. And if this sort of inquisition is to be avoided in the future, people have to know what happened.

That's a simple request to make. But it won't come easy.

There's not a bureaucrat in the state of Illinois who's going to want to discuss his participation in this train wreck. So someone on the outside, most likely the Legislature, should push the point.

On May 5, 1993, O'Connor was relieved of his duties and locked out of his office at the water survey by John Moore, the head of the Illinois Department of Energy and Natural Resources. Moore ostensibly was acting as a result of a laundry list of charges against O'Connor, alleging everything from misuse of state property to sexual harassment to discrimination against foreign-born employees.

But over many months, the allegations of misconduct slowly dwindled.

State investigators brought their report on misuse of property to local prosecutors, who declined to pursue it be-

cause of insufficient evidence of wrongdoing.

The sexual harassment charge simply disappeared. It turns out there never was any complaint or incident reported. It had been invented.

A retired scientist from the survey admitted in a letter that he had suggested to colleagues that they make a discrimination complaint against O'Connor because of their collective anger over O'Connor's proposed budget cuts. The scientist said he knew the allegation wasn't true, but he knew it would cause O'Connor problems.

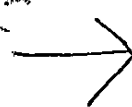
Last week, in an amazing repudiation of director Moore, the board of natural resources and conservation voted narrowly to reinstate O'Connor.

Board members tossed a few bones to O'Connor critics, suggesting sensitivity training for O'Connor and chastising him on minor administrative matters. But if there had been any real substance to the charges brought against O'Connor, it's hard to believe he wouldn't have been dismissed. The state simply put too much effort into firing him to resist unless there was no credible case of misconduct.

Still, O'Connor suffered grievously. His reputation was smeared. He lost a year from work. He paid enormous legal fees to defend himself. His future at the water survey is uncertain.

It's been a disaster and the responsible parties ought to be called to account.

— Jim Dey



People's Forum

Need a resignation from survey's board

To the editor:

I write to express my strong objection to Professor Herbert Gutowsky's conduct in relation to Dr. John O'Connor, chief of the Illinois State Water Survey.

Gutowsky decided soon after allegations were made against O'Connor that he was guilty and has over the past year steadfastly refused to accept any evidence to the contrary. Gutowsky has failed to meet his responsibilities as secretary to the Board of Natural Resources and Conservation by failing to keep O'Connor advised of the progress of the investigations and even neglecting to inform him of meetings at which his attendance was required.

In addition, Gutowsky refused to accept letters from water survey employees in O'Connor's defense.

Now that Gutowsky has lost the vote of the board and O'Connor has been returned to his duties at the survey, Gutowsky likely is embarrassed. He could have dealt with this embarrassment in a mature and professional manner by sublimating his personal interests for the good of the survey.

Instead he has chosen to attack O'Connor in the press, an action that can only contribute to the deteriorating morale at the survey.

It is valid for O'Connor to insist on complete vindication because he has

done absolutely nothing wrong. Further, O'Connor is perfectly realistic in refusing to accept any responsibility for what has happened at the survey. He has been the victim of political machinations, fostered in part by Gutowsky's actions, over the course of an entire year.

I believe that Gutowsky's conduct over the past year has been most shameful. For the good of the state scientific surveys, he should resign his position on the Board of Natural Resources and Conservation immediately.

BRIAN K. BOGARD

Columbia, Mo.

Friday, June 10, 1994

THE CHAMPAIGN-URBANA NEWS-GAZETTE

The Suspension of Illinois Water Survey Chief John T. O'Connor

February 25, 1994

What is the Illinois Water Survey and why is this issue important to the people of the Chicago Metro area?

The Illinois State Water Survey (ISWS) is celebrating its Centennial year this year. The Survey currently has 230 full and part time employees with a budget \$10-12 million per year. It is the part of the scientific branch of State government which deals with air and water resources. The Water Survey was initially established to test the sanitary quality of Illinois drinking water supplies. Almer Palmer, first head of the ISWS state the Survey's goal for drinking water supplies, "an abundant supply of wholesome drinking water is a most important factor in the preservation of health, while impurities in the water constitute a most potent means of developing and spreading disease."

In its earliest days, disease and death from sewage contaminated drinking water was a grim reality throughout urban and rural Illinois—in Chicago the voluminous amount of raw sewage being discharge into the Chicago River also precipitated pollution induced disease and death. The Water Survey subsequently became involved in pollution control, particularly with respect to the discharge of Chicago's wastewater to the Illinois River.

The Metropolitan Water Reclamation District of Chicago has cooperated with the State Water Survey since its earliest days. The first study of Chicago's waste discharge was undertaken in 1902. In 1908, the Survey responded to a typhoid fever epidemic in Chicago that they traced to the pollution in the Chicago River. They began the planning process that lead to the first water and sewage treatment facilities there. In that same year they introduced drinking water treatment to Chicago's Union Stockyards.

For many years, the Water Survey maintained a northeast Illinois regional office in Naperville. For fifty years, it has maintained a major facility in Peoria, Illinois, for studies of the Illinois River. Although the principal laboratory facilities are maintained in Champaign, the Water Survey conducts studies and maintains air and water data throughout the State of Illinois and surrounding region.

In atmospheric sciences, the Water Survey maintains the Midwest Climate Center. It is also the nation's Central Analytical Laboratory for acid rain.

Some of the Water Survey's current research and scientific evaluations related to northeast Illinois include the following:

- In the Calumet-Sag Channel, one primary watercourse by which Chicago's wastewater is diverted to the Illinois River, dissolved O₂ regularly falls below 2.0 mg/L, less than half the EPA standard for this water quality parameter. Since the mid-1980's, the two agencies have cooperated in establishing an effective remedial system employing a sidestream elevated pool for aeration (SEPA) to bring dissolved oxygen levels up to meet EPA standards. After installation of the first two SEPA stations on the North branch of the Chicago River, three additional stations were added at a total cost of \$40 million. Complete treatment would likely have cost 300 million dollars.

- Atmospheric and water-borne deposition of numerous toxic pollutants into the Great Lakes, specifically Lake Michigan, Lake Erie and Lake Ontario, has recently prompted the installation of atmospheric sampling stations as part of the Water Survey's Integrated Atmospheric Deposition Network. This sampling network serves as a data source for documentation of the levels of contamination in the Great Lakes.

- In cooperation with the U.S. Army Corps of Engineers the ISWS has measured precipitation in the Lake Michigan and Des Plaines River watersheds and resulting levels of storm runoff.

- In addition, the ISWS has ongoing projects to monitor and protect surface waters, groundwaters, aquifers and wetlands in Lake, Will, Cook, and McHenry counties, and at Lake Calumet, the Fox River, and Woodstock, IL among other Chicago-area sites.

These examples are given to show the particular historical and present importance of the ISWS to Chicago area residents; however, the Survey's more agriculturally-related activities in other parts of the state may be of equal importance to city dwellers, since contamination sources at any point within the system have the potential to affect all individuals.

Who is John T. O'Connor?

Dr. O'Connor is Water Quality scientist and a former professor of Civil and Environmental Engineering at the University of Illinois (early 70's) and for 15 years, Prof. and Head of Civil Engineering at the University of Missouri, Columbia. His specialty is drinking water quality for which he is internationally known and highly regarded. About two years ago, after extensive interviewing, he was chosen as the new Chief of the Illinois Water Survey at Champaign, IL on the Campus of the University of Illinois. Last May, he was suddenly placed on suspension and accused by the Illinois Department of Energy and Natural Resources

What is the chronology of events which lead to and follow from his suspension?

March 1993

DENR Director John Moore, DENR General Counsel Stan Yonkauski, and DENR Assistant Director Mitch Beaver pressure O'Connor and other Illinois State Water Survey (ISWS) staff to stop co-sponsorship of and Ethanol Conference and/or to drop what they consider to be anti-ethanol speakers from participating. Hand-picked pro-ethanol replacement speakers are offered. O'Connor refuses. Moore sends O'Connor a threatening memo containing a skull and crossbones. O'Connor responds in saying that he will only stop co-sponsorship of the Ethanol Conference under direct written order.

April

26-27

The Ethanol Conference is held.

28

Illinois Central Management Services (Investigator Woodruff) receives material from DENR to investigate O'Connor.

28-30

Governor's Office directs State Police are ordered to investigate O'Connor

May

5-Moore locks Chief O'Connor out of his office and lab, placing him on suspension.

9-DENR 'leaks' to the press their false allegation against Chief O'Connor claiming sexual harassment, misuse of funds and personnel discrimination.

June, July. O'Connor hires attorneys, proceeds with legal action, asking only to have his reputation cleared and his Chief's job back.

August

DENR Moore and Yonkauski meet with O'Connor's counsel Beckett and Dison who decline Moore's offer to stop the investigation of O'Connor and to pay a sum of money to O'Connor if he will only resign as Chief of the ISWS. Moore and Yonkauski insist O'Connor is guilty of all allegations, including sexual harassment.

October

O'Connor is finally interviewed by CMS Investigator Woodruff.

November

Grossbol, Moore, and Yonkauski publicly acknowledge what they knew all along--that their allegation of sexual harassment against O'Connor was false. State drops sexual harassment charge as groundless.

January 1994

The State Police report is completed sent to State's Attorney's office in Champaign County. That office finds no basis to press charges and publicly called the report inconsistent and petty. An 11 member group of prominent citizens, dedicated to the protection of the Scientific Surveys send U.S. Dept. of Interior's Bruce Babbitt and U.S. Department of Energy's Hazel O'Leary (both agencies fund the DENR) to check into the situation.

February

14 DENR Board meets in Springfield. Declares O'Connor should be dismissed based on the CMS report. O'Connor is not allowed to attend. Although this is the first O'Connor has seen the details of the charges after being suspended 10 months earlier, he is given two weeks to respond. O'Connor has some problems with this demand as he is locked out of his office and lab where letters and documents that would help clear him are kept. He has been ordered to meet to Board with his attorney of March 9 in Springfield. He apparently will not get a chance to face his accusers. O'Connor wants the meeting open to the public. DENR refuses.

Who are the actors and how can they be contacted?

- James Edgar, Governor of IL.
- Duane Andreas, Archer Daniels Midland President, principal backers of ethanol from grain, Decatur, IL. 217
- Al Grosbol, Governor Edgar's Office, 217 782 4923 office: 217 793 6722
- John Moore, DENR director, 217 785 2002.
- Stan Yonkauski, DENR general counsel, 217 785 2800.
- Mitch Beaver, DENR assistant director, 217 785 2002.
- Joyce Changnon, ISWS, Director of Financial and Human Resources (Affirmative Action Officer), 217 333 0448 office; 217 586 5691 home.
- Stan Changnon, Former ISWS Chief, 217 244 0494 office; 217 586 5691 home.
- Joseph H. Smith, University Affirmative Action Officer, 217 333 0885 office.
- Herbert Gutowsky, Prof. Emeritus, Secretary of the Illinois Board of Natural Resources, 217 333 7621 office. 217 344 1104 home.

- John T. O'Connor, ISWS Chief, Champaign, 217 359 2719 (home)
- Steve Beckett and Carol Dison, O'Connor's legal counsel, Champaign, 217 328 0263.
- Leonard Lopez, U of IL Prof. Civil Engineering, former colleague of O'Connor. 217 333 6972.
- Bruce Hannon, U of IL Prof. of Geography, 217 333-0348.
- Susan Stone, Former Member of Illinois Commerce Commission, resigned from the Nature of Illinois Board over the O'Connor suspension. This Board is dedicated to the protection of the Scientific Surveys. 217 367 7846.
- William Rutherford, former Director of Illinois Dept. of Conservation, Peoria Illinois. Resigned from the Nature of Illinois Board over the O'Connor suspension. 309 688 6631.
- Jeffery Short, Owner of Short Milling Company, Chicago. Nature of Illinois Board. 312 559 5462.

- State's Attorney's Tom Difanis, Urbana, rejected the State Police report on O'Connor, 217 384 3733.

Personal Assessment of his character and the actual events.

O'Connor is a friendly, polite, socially skilled, extremely honest and capable scientist. His care and concern for his staff is genuine and deep. He is not a naive man: Rather he understands the risks when he takes them and opts to take the moral path. One can tell this by watching him in his relations with his wife of 35 years, his children, colleagues and many friends. He seems incapable of doing anything dishonest, both out of moral position and because it is not appropriate action for a good scientist. If anything, he is too moral for the political atmosphere that has been generated at the Illinois Surveys by the Edgar administration through his governor's office staff and by the head and the general counsel of DENR.

O'Connor promised change in the role of the Survey when he was interviewing for the job in the Spring of 1992 and after taking the position as Chief, he began to implement these changes. The Survey is heavily staffed in the science and engineering of rain and storm water flow. The DENR requested a cut back in State support and that cutback effort, although it never materialized, coincided with the shift in accent within the Survey from rain and storm water to water quality. The shift was not substantial: The drinking water quality staff was very small and adding staff there at the expense of other positions is a small effect in the over all effort of the survey. Drinking water quality is an extremely important issue and Illinois ranks at ninth worst in the U.S. (See the attached article from Time).

Yet the issue of refocusing a portion of the Survey's efforts in the new and vastly understudied area of drinking water quality in Illinois raised a tempest within the organization. Since the Survey is a State organization on a major university campus, it offers many opportunities for employment of new Masters and Ph.D. graduates. Most American-born graduates take much higher paying jobs in other cities and states. But the Survey, because it will hire non-citizens who have a relatively tough time finding jobs, can find talented staff at relatively low pay. Thus the Survey has a rather high fraction of non-citizen staff, perhaps 10 percent; some at the section head level and some at the entry level. An interesting correlation is the number of foreign-born in a particular section is a noticeably high fraction when the head of that section is foreign-born. Any kind of job reduction plan will almost unavoidably involve an adverse effect on these non-citizens. The threatened employees, seeing their researched areas threatened, turned to the Affirmative Action officer for the Survey, long time employee, Joyce Changnon. Joyce is the wife of former Water Survey Chief, Stan Changnon, who was succeeded as Chief by his friend and colleague, Richard Semonin (O'Connor replaced Semonin). Semonin promptly put Stan Changnon on the payroll to such a level that his salary plus retirement pay were equal to his former pay as chief, approximately \$85,000 annually. Stan Changnon and current DENR director John Moore were and still are very close friends. Changnon travels to Wash., DC with Moore and likely socializes with him.

One of O'Connor's early acts was to evaluate Stan Changnon's effectiveness. He cut his salary when Stan C.'s responsibilities decreased when he resigned as Head of the Global Change Division. Changnon hit the ceiling. The rest is speculation but one can assume that he then turned to Moore and to his wife who put together a list of charges of sexual harassment, misspending funds, and discrimination against foreign born employees. She also draws the University Affirmative Action officer, Joseph Smith, into the fray. Moore and two other DENR officials (Yonkauski and Mitch Beaver?) met with Smith and requested that he send a letter to DENR attacking O'Connor. Smith complies and Moore then used this letter to convince the DENR Board to support his actions against O'Connor.

Meanwhile, O'Connor has the Survey sponsor two important conferences: the first is on the impact of Alachlor and Atrazine on drinking water quality in Illinois. These are the two most common herbicides used in the US and the Mississippi, for example, runs well over the safe concentration levels for these chemicals every summer, from St. Paul to New Orleans. They are the corn grower's delight. One suspects that this conference sent a very

strong signal to the Farm Bureau, Monsanto and the Illinois Corn Growers that a dangerous individual existed at the head of the Illinois Water Survey. Next, the Survey plans to co-sponsor a conference on the environmental impacts of ethanol production from corn. This blew all the above corporate fuses plus it put ADM's Duane Andreas into the Governor's office complaining about O'Connor (rumor out of the appointment secy. in said office.) Moore calls and writes O'Connor about dropping the co-sponsorship.

O'Connor says no--that such conferences with pro and con speakers must be held on such important issues. Moore and his staff try to get O'Connor to drop those who question the value of ethanol from corn (it requires a tremendous federal subsidy to compete with gasoline and it causes increased air pollution) from the conference roster. He won't do that either unless directed to do so in writing by Moore. The Ethanol Conference is held at the University of Illinois at U-C on April 26-27, 1993. On April 28, the Governor's Office orders Central Management Services to investigate O'Connor and the Governor's Office initiates a State Police investigation in to the allegations of misspent money. The argument over the conference goes on until Moore shows up on May 5th at O'Connor's office with several members of the Natural Resources Board and demand the keys to O'Connor's office. He is then officially put on suspension with pay, locked out of his office and lab. He asks for the charges. They say the charges will be mailed--the next day, the DENR leaks the charges (sexual harassment, misuse of funds and discrimination) to the Champaign News Gazette. O'Connor receives a vague list of charges a few days later and there would be no further communication with O'Connor for ten months. Again through the newspaper, O'Connor learns that the much discussed sexual harassment charges are considered groundless by DENR. The DENR turns over the State Police report to the State's Attorney's office (Republican Tom Difanis). This office issued a public statement saying that they had crime to fight and that this report was inconsistent and petty.

O'Connor has been given about two weeks to respond to 10 months of investigation. He will not get to questions his accusers but will face a DENR whose charges are now to the point of libel and who fear the public wrath of the courts on the one hand and the internal and fearsome hand of the governor on the other. They have bungled what appears to have been a political order from the governor's office to silence and remove O'Connor. O'Connor has suffered a terrible blow to his reputation. The State cannot and will not brook honesty and openness in its supposedly scientific surveys.

The health of the public of the Chicago area and the rest of the state is in serious jeopardy when these Surveys (Water, Geologic and Natural History) cannot function honestly, without fear of political reprisal. The O'Connor case is unfortunately just the most alarming and recent. It is a tragedy and a travesty.

TO: Dr. John Yopp and Members
Board of Natural Resources and Conservation

FROM: Susan C. Stone

DATE: April 19, 1994

SUBJECT: Dr. John O'Connor

I am responding herewith to your invitation for comment on the case of John O'Connor, Chief, Illinois State Water Survey. When I first learned of Dr. O'Connor's summary suspension and lockout from his office on May 5 of last year, I did not know Dr. O'Connor. I had met him briefly and heard him speak to the Board of the Nature of Illinois Foundation, of which I was then a member.

Since I was not acquainted with Dr. O'Connor, I could not possibly know the merits of the vast array of accusations being directed against him. What I did know, and was exceedingly troubled by from the outset, was the total violation of what should have been routine measures of due process and fair play. Not only were Dr. O'Connor's fundamental rights abused, but also his professional reputation was tarnished and the ensuing months of inexcusably protracted "investigation" subjected him to an extreme form of punishment.

Now, ~~during a~~ long and painful year, I have come to know John O'Connor and to respect him highly as a professional and as a human being. He has handled the enormous and unfair demands placed upon him in a restrained and focussed manner.

While ~~not~~ in a position to judge his professional competence, I believe that both the fact of his selection as Chief from a field of dozens of candidates only months prior to his dismissal/suspension, plus the subsequent outpouring of collegial testimony in support of Dr. O'Connor attest to his reputation and abilities.

I am likewise unable to assess Dr. O'Connor's administrative abilities, but the cumulative testimony of his peers strongly suggests that if Dr. O'Connor was guilty of anything, it was of believing that his appointment as Chief signified that his assignment was to provide strong and innovative leadership in a tight budgetary framework requiring tough choices and not "business as usual." In other words, he took his responsibilities seriously, trying to assess the comparative merits of Survey activities and personnel. Obviously, this resulted in some staff members feeling disaffected, a few of whom then waged a vendetta to get rid of Dr. O'Connor and restore the status quo ante.

In attempting to find out what the charges against him were, and who was making them, and to assure himself of a full and fair opportunity to refute and/or put in perspective these accusations, O'Connor has had a Sisyphean task. The bureaucracies of DENR, CMS and the State Police denied him and his attorney access to vital information.

Letter re John O'Connor from Susan Stone (2)

While almost no human being, and certainly no administrator, is universally admired, it seems clear to me that John O'Connor never should have been suspended either as a matter of procedure or of substance. In the ensuing grueling 12 months, he has shown himself to be a person of tremendous integrity, character, intelligence and fair-mindedness. His devotion to public service in the interest of superior water quality for the State of Illinois - and beyond - is exemplary. Where he found the fortitude to wage this prolonged battle to restore his good name I do not know. And why he wants to resume his assignment as Chief I cannot imagine. But we are undeservedly fortunate to have such an opportunity, not once, but twice.

I therefore urge the members of the Board of Natural Resources and Conservation to reinstate John O'Connor forthwith on the one-year anniversary of his suspension. But reinstatement alone is not enough. How his pain and suffering will be compensated, I cannot fathom. Furthermore, there are lessons to be learned and ancillary injustices to be remedied.

First, carefully drawn written procedures should be adopted providing full due process for handling any future grievances pertaining to chiefs of all the Surveys and HWRC.

Second, irresponsible, malicious and vengeful charges levelled by a few Water Survey personnel should have consequences if morale and stability are to be restored at all of the Surveys.

Third, the extremely poor judgment and demonstrable lack of professionalism and administrative skills on the part of the Director of the Department of Energy and Natural Resources and his top aides, dating back to months preceding Dr. O'Connor's suspension, warrant performance assessments and appropriate action at the highest level of State government.

Finally, the composition and voting privileges of the Board of Natural Resources and Conservation should be reexamined and revised. It is inappropriate for the DENE director to be a voting member, much less Chairman. S/he should not be both prosecutor and judge. Such an arrangement defeats the Board's charge to shield the Surveys from political interference.

If the Board takes these steps, perhaps the O'Connor case will have done some good. But at what a toll on a fine and decent man!

Susan C Stone

Susan C. Stone
1804 Pleasant Circle
Urbana, IL 61801

MR. WILLIAM RUTHERFORD
To: MR. JEFFREY SHORT

17 July 1994

FROM: JOHN O'CONNOR

I returned to the Survey last Thursday. I received a warm reception from most of the staff. The others, curiously, were on leave. Overall, I am pleased to be back and the Water Survey staff seem genuinely pleased at my return.

It was a battle to the end, as the attached articles indicate. I feel the Board did me many disservices by failing to hold those who registered false accusations accountable. I have dropped my lawsuit against Moore & the Board -- of my own volition. As you advised, I will just have to accept the financial losses.

Thank you for your help! I'm not sure it is all over yet, but I'm hoping for the best.

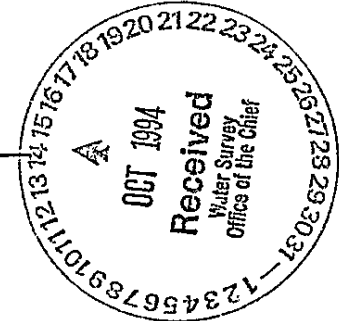
John



325 West Adams Street, Room 300
Springfield, IL 62704-1892
(217) 785-2800
Telefax (217) 785-2618
TDD (217) 785-0211

John S. Moore, Director

TO: John T. O'Connor
FROM: John S. Moore, Director
DATE: October 11, 1994
SUBJECT: Survey Management



I am disappointed in the lack of progress you have made in meeting the conditions that the Board of Natural Resources and Conservation established for your reinstatement to the position of Chief of the Illinois State Water Survey.

The Board charged you with healing the problems that arose from your being placed on administrative leave. Your response to that charge has been to attempt to create a series of ad-hoc committees selected by you alone and having vague mandates, at best. Contrary to your assertion in recent memoranda, these committees were not approved by the Board. These committee's responsibilities and functions appear to ignore the organizational structure of the ISWS and do not call upon the expertise of the experienced management of the Survey. Instead of healing divisiveness, the committees and the manner in which you announce their creation have exacerbated the problems at the Survey.

As director of the Illinois Department of Energy and Natural Resources and after consultation with members of the BNRC, I am directing you to cease your efforts at creating and maintaining new committees, that you discharge committees that you have created since July 1994, and until the Board approves otherwise, you are to work with the current staff in their current positions to get the operations of the ISWS back on an even keel.

ld

xc: Board Members

To: Jack Wilkie

✓
14 Oct '94

From: John O'Connor

I'm shocked! Here we go again!

Please review this letter and advise whether Moore has crossed the line in accusing me of failing to meet the BNRC conditions. Must he provide proof, evidence?

I'll be at a meeting in Chicago (Marriott Downtown) until Thursday. I'll try to get back to you after that.

John

6. The State Responds: Reorganization, Realignment, and Revenge

Director Jack Moore is Dispatched; Director Brent Manning is recruited from 'Ducks Unlimited'; the Survey Chiefs are reassured; and, ultimately, the Water Survey Chief is fired (This time without cause.).

If you are amused by irony, you will enjoy the first two slides in this section. In the photo, Governor Jim Edgar stands on a knoll amidst the scientific Survey heads. The Governor is placed on the high point to emphasize his prominence. I stand on the right, next to the Governor. Brent Manning who replaces Director Jack Moore is at the far right. The Survey heads already suspect that Manning is charged with firing the Water Survey Chief. Even so, Manning lauds my contributions on the second slide.

In the media, Governor Edgar's reorganization is characterized as a consolidation of State agencies with similar agendas. Press releases from Springfield emphasize that the scientific Surveys will retain their independence.

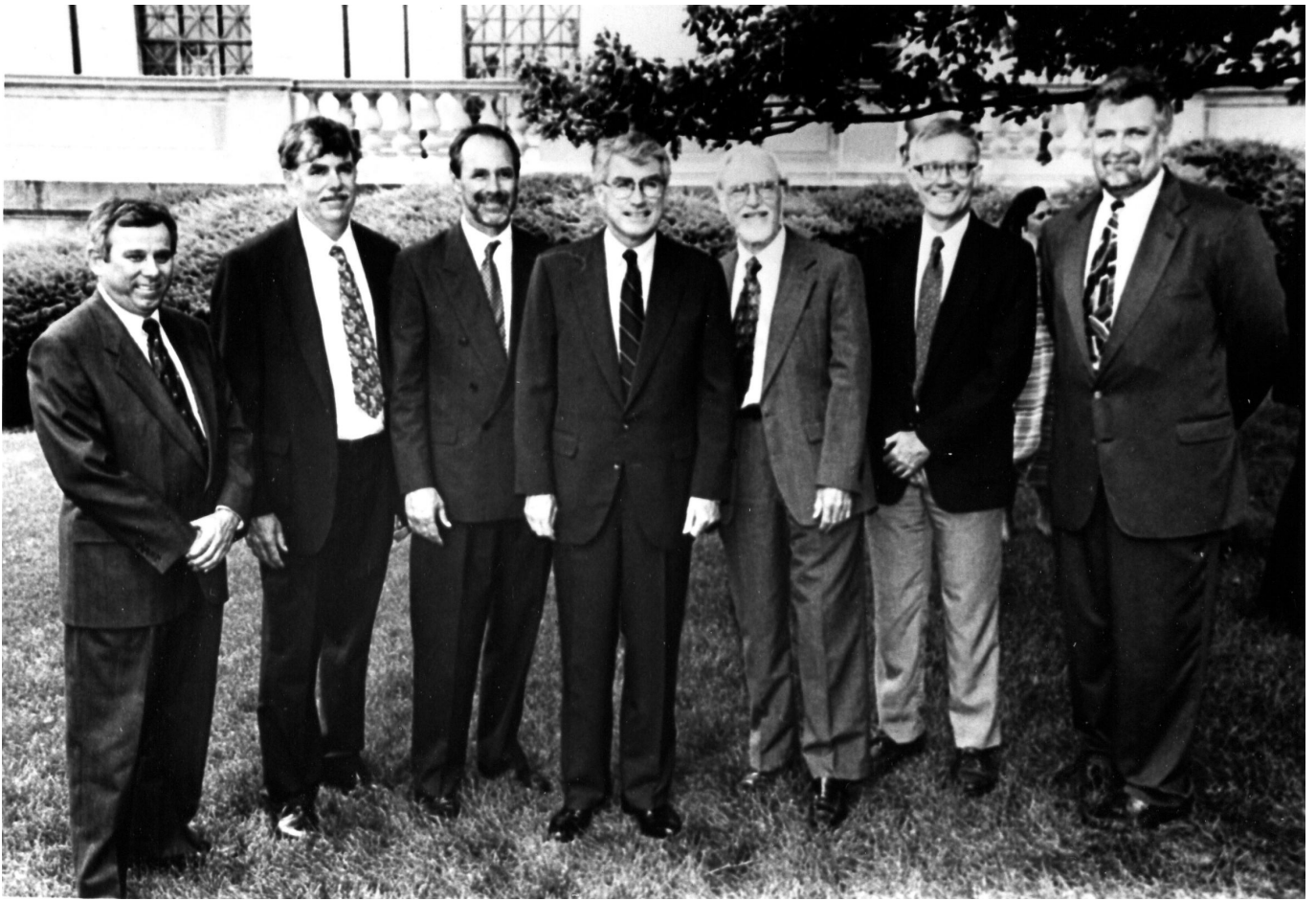
Professor Clark Bullard voices a dark assessment of my future as Chief, noting that the Chagnon's and complainants against me cannot be fired or, even, reassigned to less pernicious duties.

In his waning days as Director, Jack Moore, expresses disappointment at my inability to make my antagonists happy. He orders me to "work with" them. Those most aggrieved of my treatment as Chief, repeatedly contact the unresponsive members of the Board of Natural Resources and Conservation (BNRC) to no avail.

Independently, sympathetic BNRC members confide to me and, on some occasions, my wife as well, their understanding of my situation. They declare their support for me. Ultimately, all three will vote to fire me to create an unanimous decision by the Board.

In the final analysis, we learned that the Illinois scientific Surveys were not independent research entities. They were largely supported by State funds and, for continuity of State financial support, were expected to bolster the State's economic initiatives and agenda without question. In addition, we learned that the position of Chief was fragile and would obtain no protection from the Board that was assigned to maintain its integrity.

John T. O'Connor





Illinois Department of Conservation

LINCOLN TOWER PLAZA • 524 SOUTH SECOND STREET • SPRINGFIELD 62701-1787 CHICAGO OFFICE • ROOM 4-300 • 100 WEST RANDOLPH • CHICAGO 60601

Brent Manning, Director

John W. Comerio, Deputy Director

Bruce F. Clay, Assistant Director

July 17, 1995

Dr. John O'Connor
2204 Griffith Dr.
Champaign, IL 61820

Dear John:

Many thanks for all you did to make **Conservation 2000** a reality. Your calls, letters and personal contacts are what made this happen. **Conservation 2000** will help ensure future protection of the natural resources in Illinois.

On behalf of Governor Edgar, I am enclosing a photo taken at the bill signing ceremony. We appreciate all of your support.

Sincerely,

A handwritten signature in cursive script that reads "Brent".

Brent Manning
Director

Enclosure
BM:ts



Date: Tue, 12 Sep 95 14:38:14 -0500

Mime-Version: 1.0

To: jtoc@ux1.cso.uiuc.edu (Dr. John T. O'Connor)

From: bhannon@ncsa.uiuc.edu (Bruce Hannon)

Subject: Re: Limerick

>It was good seeing you Sunday evening. We were sorry Pat was unable to
>join us for the festivities. Give her our best wishes. In the interest of
>documentation, we'd appreciate the limerick you contributed to the fun and
>games. Your creativeness and friendship are certainly appreciated.
>Thanks, Joni

There once was a Man from Missouri
The Survey he took in a hurry
Made Beaver depress
Turned Moore into less
And Chagnon will soon have to scurry.

Clark has a dark assessment of your future. He thinks that the State will fire you sooner than they would transfer Chagnon and Karr because they can fire you and they cant fire those two. They will try to paint it on the grounds that it is an internal squabble that you should have straightened out by now (never mind that this is a Catch 22). You could counter by saying that you have the best interest of the Surveys in particular the WS in mind and that it cannot be that two disgruntled employees could run off a chief. This sets the tone for similar action elsewhere and any new chief would have to be a non scientist as no scientist would put up with such a situation. You may want to talk to Clark.

Bruce Hannon, Prof.
Geog/NCSA
220 Davenport Hall, MC 150
U of Illinois
Urbana, IL 61801
217 333-0348 office
217 244 1785 fax

Edgar urges quick action

■ Restructuring scientific surveys, UI trustee board among governor's proposals

From News-Gazette News Services
and The News-Gazette



EDGAR

SPRINGFIELD — Gov. Jim Edgar today asked the newly inaugurated Republican-controlled Legislature for “fast-track” approval to reform welfare and schools, crack down on crime, and limit liability lawsuits and property taxes.

In his State of the State address to a joint session of the General Assembly, Edgar also proposed:

— Consolidating three state departments — Energy and Nat-

More from Springfield:

■ Legislative leaders push for 60-day agenda, **A-5.**

ural Resources, Mines and Minerals and Conservation — into a single agency. That “superagency” move would include the four scientific surveys based on the University of Illinois campus.

— Making the UI Board of Trustees an appointed body. The proposal would be part of an overhaul of the state university system that would eliminate the Board of Governors and the Board of Regents, and make Sangamon State University part of the UI.

“Property tax caps, tort reform to spur job creation, school reform, continued welfare-to-work initiatives and anti-crime legislation. I want all of it sent to me on a fast track,” the governor said.

The proposals outlined today reflected many of the same ideas Edgar and other Republicans talked about during the governor's first four years in office. But this year, his agenda was delivered with a new optimism to a General Assembly that

Edgar

Continued from A-1

is dominated by Republicans for the first time in 22 years.

"I believe we have been on the right track during the last four years. We have moved state government in a new direction of reform, efficiency, effectiveness and accountability," Edgar said.

"When the voters spoke in November they reaffirmed this new direction," he said. "But they didn't say that we had accomplished enough."

Many of Edgar's proposals mirrored the "Illinois Agenda" described by House Speaker Lee Daniels, R-Elmhurst, when he was elected to lead the House Wednesday. Republicans promised to address the agenda — which includes reform in business, education, welfare, crime and property tax relief — within the first 60 days of the legislative session.

Edgar also called for shortening the campaign season by moving the Illinois primary date from March to September and implementing a "one-stop" shopping program to provide services for troubled children and families.

During his noontime address in the House chamber, the governor urged lawmakers to downsize state government and hold the line on taxes.

"I don't want to increase taxes, and I don't believe most members of the General Assembly want to either," Edgar said.

One step to reduce government would be to consolidate the departments of Conservation, Mines and Minerals and Energy and Natural Resources into one "superagency" known as the De-

partment of Natural Resources.

Although combining agencies is expected to eliminate jobs, Edgar believes it will reduce confusion and duplication of duties.

The chief of the Illinois State Natural History Survey said today he is "optimistic" about Edgar's proposal.

The move affects the state natural history, geological and water surveys as well as the Hazardous Waste Research and Information Center. Until July 1, they will remain part of the state Department of Energy and Natural Resources.

"We understand that the proposed move of our divisions into this new department maintains all our essential functions," said Lorin Nevling, adding the surveys would continue their relationship with the University of Illinois. The Board of Natural Resources and Conservation, which oversees the surveys' personnel and policy matters, also would continue to do so, according to Nevling.

The governor wants to eliminate the Board of Regents (which governs Chicago State, Eastern Illinois, Governors State, Northeastern Illinois and Western Illinois) and the Board of Governors (which governs Illinois State, Northern Illinois and Sangamon State) and instead have those universities governed by the Illinois Board of Higher Education.

"And it makes no sense for the Board of Trustees of the University of Illinois to be elected by voters who understandably know little or nothing about the candidates, except perhaps their political affiliation," he said. "That board should be appointed just

like the others."

Edgar proposed the reorganization two years ago, but it was blocked by House Democrats.

In the area of crime control, Edgar proposed expanding the state grand jury power to investigate gun running and to require that sex offenders, regardless of the age of their victims, be required to register periodically with local law enforcement authorities.

As outlined by Republican lawmakers last year, Edgar embraced the creation of charter schools that would use innovative teaching methods and be free of the mandates imposed by state government. He also wants to improve computer technology to provide more resources in classrooms.

"By this time next year, I want students in every Illinois school to be able to access the information highway that will open new worlds of knowledge and intelligence to them," he said.

As he did two years ago, Edgar asked for limits on property tax increases downstate. In 1991, the Legislature imposed tax caps on the counties surrounding Chicago that limit annual growth in property taxes to 5 percent or the rate of inflation, whichever is less.

But instead of mandating the caps, which some local governments complain limit their ability to generate revenue, the governor wants to permit counties to decide the issue by holding referendums.

The governor today asked lawmakers to join him in setting a two-year limit on welfare benefits for thousands of women with older children.

Scientific surveys expect few changes

■ Edgar proposes moving surveys into super agency

By MICHAEL HAWTHORNE
News-Gazette Staff Writer

SPRINGFIELD — All the talk among Republicans about downsizing government worries officials at the state's four scientific agencies.

But while Gov. Jim Edgar is calling for the Champaign-based

agencies to move into a new consolidated Department of Natural Resources, about the only thing scheduled to change is the stationery.

"We've been in a number of different agencies throughout the years," said Lorin Nevling, chief of the Illinois State Natural History Survey. "We don't see any real problems with this move."

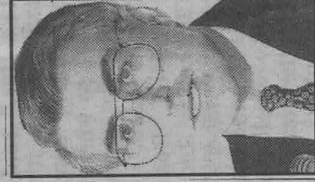
During his annual State of the State address on Thursday, Edgar proposed merging a slew of

agencies that deal with natural resources into a single, streamlined department.

As part of the merger, the Natural History Survey, State Water Survey, Geological Survey and the Hazardous Waste Research and Information Center would move to the new agency from the current Energy and Natural Resources Department.

The three surveys and hazardous waste center employ more than 700 scientists and staff in Champaign-Urbana. They spend a combined total of \$33 million annually, with funding provided by state support and state and federal research grants.

"We foresee no cutbacks at these agencies," said Dave Sulas, an assistant to the govern-



EDGAR

nor. "Gov. Edgar wants to protect their integrity and strongly supports their mission."

As Edgar put the final touches on his address last week, the four survey chiefs met with administration aides to voice their concerns about the proposed merger.

Jonathan Goodwin, acting chief of the Geological Survey, said Edgar agreed to maintain the existing framework under which the agencies operate.

The state will maintain the Board of Natural Resources and Conservation, a panel of academics created to insulate the surveys from political influence.

While funding decisions will be left to lawmakers, Edgar will not propose cuts in the surveys' budgets.

The agencies will continue their relationship with the University of Illinois. Many scientists who work for the surveys also are on the UI faculty.

The changes should not affect the Natural History Sur-

Changes in merger

...vey's plans to move into the former Burnham Hospital building in Champaign. The state paid \$5 million last year for the shuttered hospital.

Under the governor's proposed merger, the surveys would join the Conservation and Mines and Minerals departments, the Abandoned Mined Lands Reclamations Council and the Division of Water Resources within the Transportation Department.

Although the governor's staff was unable to provide any specific cost savings, they said the consolidated department would require fewer middle management positions.

Survey officials cautioned there could be problems with the merger agency.

"We were concerned about being lumped together with some regulatory agencies," said Nevling. "We want to stay at arms length from them to make sure the science doesn't serve the regulation."

Survey officials also predicted they still may face budget cuts if no highway bill is passed. They pledged to scale back their environmental programs.

"Frankly, we're more concerned now about cuts at the federal level that could affect our research," said David Thomas, director of the Hazardous Waste Research and Information Center.

Mrs. Gibson was earlier able to get her 18-month-old daughter to rescue her son.

Michael's mother, Laurel Gibson, suffered burns in attempting to rescue her son.

Edgar proposals

SPRINGFIELD (AP) — Highlights of proposals offered by Gov. Jim Edgar in his State of the State address Thursday:

Government restructuring

— Consolidate three departments into the Department of Natural Resources.

— Eliminate the state Board of Regents and the state Board of Governors, which oversee different state universities.

Education

— Establishment of Learning Zones for Chicago public schools, which would establish clusters of schools and give them money to create their own managerial and education structures, free from state and local mandates.

— Set up 45 charter schools.

Michael James Allen Gibson, 3, was declared dead at the scene of the fire on Wednesday after firefighters brought the fire under control.

A joint investigation by the Mattoon police and fire departments, the Illinois State Police and the state Fire Marshal's office confirmed that the fire was accidental, and there was no foul play, according to a Mattoon police press release.

to a press release from the Mattoon Police Department.



STATE OF ILLINOIS
OFFICE OF THE GOVERNOR
SPRINGFIELD 62706

JIM EDGAR
GOVERNOR

February 25, 1995

Mr. Jeffrey Short
President
J. R. Short Milling Company
500 West Madison Street
Chicago, IL 60606

Dear Mr. Short:

It was good to hear from you regarding our reorganization plans. I appreciate your supportive comments about my proposal to establish the Department of Natural Resources. The concept of merging these natural resource related responsibilities into one agency should better enable us to deal with issues which currently cross several departmental lines.

Mr. Short, I respect your perspective on the Surveys as I understand that you have been an active member with the Nature of Illinois Foundation. Your point that we need to find highly competent individuals for the Department of Natural Resources is well taken. Please be assured that your comments will be taken into consideration as we continue to implement the natural resources reorganization plan.

Thank you for taking the time to write and express your thoughts about the reorganization plan.

Sincerely,

A handwritten signature in cursive script that reads "Jim Edgar".
Jim Edgar
GOVERNOR

JE:ag

Sunday, March 19, 1995

2118 Robert Drive
Champaign, Illinois
61821-6535

Dear Mr. Short,

Thank you for your kind letter expressing your concern about my position as Chief. It turns out that your suspicions were well founded. My problems at the Water Survey have started again (or, perhaps, I should say they continue).

When I returned from the NIF Board meeting, I began work on the Water Survey's annual staff evaluation for promotion and raises. Joyce Changnon volunteered to draft a letter of transmittal for the necessary forms to the four Water Survey Division Heads for my signature. Allowing her to do this turned out to be a mistake on my part. On review of her draft letter (attached), I wrote a new introduction, removed unnecessary words and redundancies, clarified terminology and removed Joyce's repeated references to herself and her role in the process.

Even as my revised letter was being typed by my secretary, Joyce entered the Office of the Chief and asked to see the changes I had made. She was very displeased. She accused me of changing her job (I wasn't) and attempting to keep her ignorant of the promotion decisions (She wanted to be present during the decision-making process.) She repeatedly insinuated that my revisions were motivated by personal antagonism towards her.

I attempted to get away from Joyce, telling her that I did not have time to enter into this discussion at that time because I had pressing work in progress. However, Joyce was very agitated and persisted badgering me and questioning my motives. I repeated my request to put this discussion off and noted that we should not be having this argument in the presence of my secretary.

I retreated to my office and Joyce followed, insisting that we were not having an argument, but clearing the air. She advised me that I did not have the right to make any changes in personnel assignments and that she had instructions from higher authorities. She did not specify those authorities. At one point in this assault on my letter and motivation, a member of Joyce's staff rushed into the Office of the Chief and looked into my inner office. Rather than confronting Joyce, she saw that I had retreated behind my conference table while Joyce stood inside my office doorway, continuing to challenge me. Seeing that Joyce had me cornered, rather than vice-versa, Joyce's colleague immediately left the Chief's Office.

I sent my revised letter (attached) to the Division Heads and went on to pressing business -- particularly, since this is the time of the year for the development and submittal of proposals for external research funding. However,

it seems clear that not everyone has such constraints on their time. The following day, I received the attached letter from Director Moore. This letter, you will note, warns me that Joyce will monitor and evaluate my performance and advise Director Moore's staff member, Debbie Hensey. Debbie is the one who had the pleasure of locking me out of my office on May 5, 1993.

I believe that the Water Survey has been reduced to an agency where insubordination has been institutionalized. If Joyce, or any other critic of the Chief, has a complaint (or, even, is upset if a letter to be signed by the Chief does not contain their rhetoric), they merely need to transmit that complaint, without documentation, and action will be taken to intimidate the Chief. Even if the complaint is unjustified, there will be no adverse consequences for false allegations or insubordination.

Also at issue is whether Joyce Changnon should sit in on the deliberations of the *Promotion Review Committee* where the competence and quality of scientific work performed by research scientists are discussed by their peers and supervisors. I have been questioned by Water Survey scientists as to why Joyce is allowed to sit in on these discussions. They express concern that she is not discreet. (You will recall that she was found to have improperly obtained the confidential list of names of scientists who were going to speak to Board of Natural Resources and Conservation members on my behalf.) They feel that she has a conflict of interest in that she is both Human Resources Director *and* wife of the former Chief of the Water Survey, who remains on the Survey staff. At least one Division Head is uncomfortable in openly discussing personnel issues before Joyce.

Based on my past treatment, I am anticipating yet another last-ditch effort to impeach me again. The May 5, 1995 Board of Natural Resources and Conservation (BNRC) meeting in Champaign will be the last such meeting presided over by DENR Director Moore. I believe the presence of Ed Thornton had a beneficial effect at the last Board of Natural Resources and Conservation meeting. He eloquently pointed out the inhibitory nature of a proposed BNRC policy related to 'freedom of speech'. No action was taken on that issue at that time.

I think that NIF Board representation at the May meeting could help promote fairness and due process. In addition, it might be appropriate to informally inform BNRC members of decisions and plans for the future of NIF. Moreover, I believe that the new Department of Natural Resources (DNR) Director-Designate, Bruce Manning, will be present for this meeting. Finally, the new Chief of the Geological Survey will attend this Board meeting since he and his wife will be in town seeking housing. This meeting is open to the public and there are opportunities for informal discussions with BNRC members during meals and breaks in the proceedings.

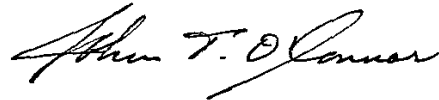
This Sunday, I had hoped to read the Sunday paper and outline some plans for research with some of the staff in the Chemistry Division (attached). I am becoming increasingly involved in conceiving and promoting a wide range of

research initiatives throughout the Water Survey. Instead, I feel the destructive influence of insubordinate administrative staff is negating my best efforts. Worse, Joni is again losing sleep over anticipation of the prospect of yet another public furor. I resent that intrusion on our lives most of all.

I would welcome any advice you might have, particularly, since I feel that I cannot turn to the Board of Natural Resources and Conservation members since they created this situation.

Finally, I thought you might appreciate a sample of the enormously positive response we received at our first Water Survey Centennial Celebration Symposium in Bloomington, Illinois. Two members of the Illinois Pollution Control Board were present and expressed their appreciation for insight the Symposium provided regarding the history and scientific activities of the Water Survey. The attached note is from Tanner Girard.

Sincerely,



2 April 1995

Dear Mr. Short,

Another Sunday -- another weekend of defending myself. I now feel certain that Joyce, Ron and Director Moore will make another attempt to discredit me and have me removed as Chief.

Attached is my draft response to Director Moore's latest memo. I would appreciate any comments or suggestions for improvement.

Hope you and Mrs. Short had a wonderful vacation in Florida. The past two weeks have been largely overcast and chilly, ^{here} -- good ones to miss!

Best regards,

John O'Connor

JEFFREY R. SHORT, JR.
500 WEST MADISON STREET
CHICAGO, ILLINOIS 60661

April 7, 1995

Dear Dr. O'Connor:

I was greatly distressed to return and find your letter. The whole situation seems incredibly strange - outrageous is a better word. Were you engaged as Chief of the Water Survey with any kind of a contract which described your responsibility and authority? I do not understand the power of Mrs. Changnon and the lady identified as Debbie. Why has Mr. Moore put them in a position of authority over you as Chief of the Survey?

I am discussing this with Tim Lyons, the head of the Nature of Illinois Foundation, to see whether we can draft some kind of follow-up letter to Mr. Grossball. We presented two petitions to the Governor asking that your case be adjudicated quickly; yet both petitions were ignored and not even acknowledged.

I noted in Mr. Moore's letter he used the term "as a condition of your re-employment". That is the wrong use of words because you were unjustly accused of certain things and found innocent. The fact that you were placed on a leave of 13 months during the investigation is, in itself outrageous, but certainly does not mean that you were in a position where you had to be reinstated.

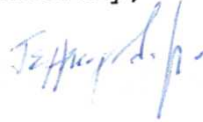
Page two
Dr. John O'Connor

April 7, 1995

I have brought this situation up to Tim Lyons
and we will see whether we can make any
constructive move.

With best wishes.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey D. P.", is written below the word "Sincerely,".

Dr. John O'Connor
2118 Robert Drive
Champaign, Illinois 61821

May 7, 1995

Dear Mr. Short,

I thought I would inform you of the Board of Natural Resources and Conservation meeting while it is still fresh in my mind.

As you know, I have consistently attempted to communicate openly with the Board as well as to be responsive to all challenges from Director Moore. Because of my communications, the Director and Board members knew in detail that I planned to make several specific requests at the May 5th Board meeting.

It turns out that the presentation of my requests in open session was forestalled when the agenda was changed at the last minute. Instead of hearing from the Chiefs/Director on Friday morning, as scheduled, the Director called for an executive (closed) session. As usual, the topic for discussion was not disclosed. After meeting for about 45 minutes, I was called to the closed session and informed that I was to be evaluated at the next Board meeting (August, 1995). (One of the Board members indicated that it would then be over a year since the Board had returned me to the Office of the Chief. I noted that our meeting date, May 5, 1995, was two years -- to the day -- since I was ejected from my office.)

In the interim, I am to detail how I have complied with the fourteen additional restrictions placed on me following the initial four.

The Board's current decision to defer any action may have been made because the Board members did not want to offend the sensibilities of ousted Director Moore. However, I am deeply concerned that their inaction adds to the damage already done to the administration of the Water Survey and the morale of its scientific staff.

Despite the fact that I knew the Board would not respond, I formally offered my requests in open session. I asked for:

- removal of the restraints which are hampering Water Survey administration,
- permission to appoint an Assistant to the Chief of my own choosing,
- permission to separate and reassign the duties of financial officer and human relations director.

I earnestly believe that, as Chief, I *must* request those actions which, I am convinced, are necessary for effective management of the Water Survey. My formal request (and their inaction) are now part of the Board's permanent record.

As matters stand, Joyce Changnon will, again, 'coordinate' and be intimately involved in both staff evaluations and promotions. Ron Karr will be allowed to continue to be insubordinate while Stanley Changnon will continue to be invisible.

It is certain that I must continue to be on the defensive. By their inaction, and by continuing to treat me as a criminal, the Board has taken a giant step towards institutionalizing insubordination at all the Surveys.

I'm sorry I don't have better news.

Best regards,

John T. O'Connor

9 May '95

To: Mr. Jeffrey Short

From: John O'Connor

I called Dr. Metcalf to ask what happened at the closed session before I was denied my requests. Attached are my notes from our conversation.

I've made an appointment to talk to Karen Witter on 17 May in Springfield. I hope to convince her to support the reforms I propose -- and that Metcalf agrees are necessary.

Best regards,

John

8 May '95

Talked to ^{Dr.} Metcalf (BNRC)

- he twice argued for ending of restrictions
- most Board members sympathetic
- some ones opposed
- Moore insistent } I must respond to '14 points.'

- wait till Moore out-of-the-way
- need to get rid of the two. (Ron, Joyce)
- felt I kept the Board well-informed

- same thing happened to Leighton
- Board wanted to write letter to him.
- minor matters

- need to stand-up for Chiefs
- Chiefs increasingly under attack

- Moore's letters insulting, aggressive
- another Chief said he would have resigned if he received one of letters sent to me.

- No action should have been taken against me; he was away or he would have put a stop to it! (the sub-committee that ousted me.)

~~bcc TIM LYONS~~
~~EDMUND THORNTON~~
bcc DR. O'CONNOR

J. R. SHORT MILLING COMPANY

500 WEST MADISON STREET • SUITE 3150 • CHICAGO, ILLINOIS 60661-2598
TELEPHONE 312-559-5450 • TELEX 759512 • FAX 312-559-5455

May 20, 1996

Mr. Al Grosboll
Senior Advisors for Projects
Office of the Governor's Office
Capitol Building
Floor 2½
Springfield IL 62701

Mr. Al Grosball:

I have been a member of the Nature of Illinois Foundation since its founding by the late Gaylord Donnelley, one of our really great citizens. This Foundation began with a goal of advocating protection of the scientific integrity of the State's Scientific Surveys and in bringing to the attention of the public their many good qualities. As a board, we are reasonably well informed about their management and activities. In this respect at the time of Dr. O'Connor's investigation several of us queried you extensively about the handling of the false complaints against Dr. O'Connor and the transparent, unconscionable delay in handling these.

To refresh your memory, Dr. O'Connor was a chaired professor and the long time head of the University of Missouri - Columbia (and Kansas City) Civil Engineering Department when he was offered the position of Chief of the Water Survey. In accepting the State's offer he brought a wealth of academic and administrative experience as well as an international reputation as an environmental engineering researcher. His scientific peers had awarded him the Simon A. Freese Award and lectureship. This is the highest national award made by the American Society of Civil Engineers in the field of environmental engineering.

Dr. O'Connor served as Chief of the Water Survey for only eight months when a group of entrenched Water Survey staff with strong political connections concocted undocumented complaints against him. These ranged from sexual harassment to racial discrimination. He was immediately locked out of his office physically and denied access to his extensive personal scientific library. Incredibly, the State police did not begin investigations for some six months after receiving the complaints. At this point

we submitted two petitions to the governor asking that the complaints be handled quickly, but neither was acknowledged, nor was any action taken.

At the end of 15 months of independent investigation the editor of the Champaign/Urbana News Gazette, which had carefully chronicled the events and charges, which were found to be baseless, publicly called for an investigation of the State's "witch hunt".

At the end of the investigation when he was totally cleared, Dr. O'Connor returned to his position as head of the Water Survey. However, the then head of the Surveys, Jack Moore, continued to conspire to make it impossible for him to function. In an extraordinary turn of events the same people again filed frivolous complaints.

Mr. Moore was replaced by Brent Manning who for some reason almost cynically commissioned additional investigations of Dr. O'Connor. Obviously there is a hidden hand here which needs to be exposed. Then, more than a year after being restored to his office Dr. O'Connor found himself waiting outside the November, 1995, board meeting while apparently additional investigations were discussed and the board was prevailed upon to fire him. He was terminated without any cause given and asked to leave his office on short notice. Apparently, he did not even receive one month's salary. The Administration has blackened its name and serious questions of integrity have arisen among the thousands of people who followed this in the press and also scientists who know of his scientific achievements and character. The problem has been swept under a rug, but the hidden hand needs to be exposed, the department cleaned out, and a vigorous search made for a competent, scientific leader.

As a processor of Illinois corn in four plants we are very much concerned with water quality and the presence of agricultural chemical residues affecting the quality of water used to grow the millions of bushels of corn that we process annually. We make products which add value to American corn and export these widely to the Far East, Europe, and the Near East, in addition to doing business nationally with well known companies. We have a great interest in seeing whether the State can now attract a reputable scientist to serve as a chief of the Water Survey.

Our investigation shows that Dr. O'Connor is one of the world's leading authorities on drinking water treatment and environmental protection. During the time he was locked out of his office he was called upon to consult with the Taiwanese government. He has been to Puerto Rico three times consulting with that government and has assisted many water utilities in this country. He is an excellent speaker and is a prominent lecturer at national technical forums for engineers in the field of water and waste water management.

As an indication of the importance of the Water Survey, let me draw your attention to an article which appeared in Food Chemical News, a weekly publication providing in-depth information relating to food additives, microbiology standards, and contaminants of feed. A new health standard for cryptosporidium is in the initial stages of development, as you will see from a copy of page 48 of the May 13, 1996 issue which is read regularly by corporations.

Over 400,000 people in Milwaukee were afflicted by the pathogen called cryptosporidium four years ago. This was widely reported in the press as causing serious illness. To my knowledge, the State has not developed an analytical capability to assist water utilities for evaluating water supplies for pathogenic protozoans like cryptosporidium and giardia. The State does not have a single microscope capable of determining the presence of cryptosporidium. When he was summarily dismissed, Dr. O'Connor was in the process of organizing the Water Survey to help Illinois water utilities monitor and evaluate treatment effectiveness. As it is now, the State is incapable of even beginning to safeguard effectively the health and welfare of Illinoisans and to prepare for much stricter standards on all uses of water.

You may, Mr. Grosball, feel that this issue will disappear and be forgotten. As time goes on, however, the glaring lack of integrity becomes even more apparent. The State of Illinois needs to be better served by its governor and his associates.

Sincerely yours,

Jeffrey R. Short, Jr.
President

JRSJR:ms

Mr. Al Grosboll
Senior Advisor for Projects
Office of the Governor's Office
Capitol Building
Floor 2 1/2
Springfield, IL 62701

As an Illinois Manufacturer with four cereal processing plants in Kankakee and a fifth one being built, I thought I might express my fears for the future leadership of the Illinois State Water Survey following the abusive, politically-repressive treatment afforded former Chief, Dr. John T. O'Connor.

After the State's disgraceful treatment of Dr. O'Connor, I have decided that it will be virtually impossible to find either a reputable scientific leader or competent research administrator who will accept the tainted Illinois State Water Survey position. Instead, it will be necessary to recruit a sycophant who is willing to be subservient to an inactive, politically-controlled board.

I have long been a member of the Nature of Illinois Foundation Board. This group of citizen advocates for protection of the scientific integrity of the State's scientific surveys are well-informed concerning their management and activities. This Board queried you extensively about the State's transparent delay in handling the extensive list of false complaints against Chief O'Connor.

To refresh your memory, Dr. O'Connor was a Chaired Professor and the long-term Head of the University of Missouri-Columbia (and Kansas City) Civil Engineering Department when he was offered the position of Chief of the Water Survey in 1992. He not only brought a wealth of academic and administrative experience but an international reputation as a environmental engineering researcher. His peers had awarded him just the third Simon A. Freese Award and Lectureship. This is the highest award made by the American Society of Civil Engineers to creative scientists and engineers in the field of environmental engineering.

Dr. O'Connor served as Chief of the Water Survey for only eight months when a cabal of entrenched Water Survey staff with strong connections to the Governor's Springfield staff concocted undocumented complaints against him. These abusive and frivolous complaints ran the gamut from sexual harassment (two separate charges) and criminal activities to racial discrimination.

At the end of fifteen months of independent investigation, the editor of the Champaign-Urbana News-Gazette, which had carefully chronicled the events leading to Chief O'Connor's exoneration, publicly called for a investigation of the State's "witch hunt". The general public as well as the majority of the staff of all the Surveys were clearly outraged at the State's heavy-handed attempts to compromise the integrity of the State Water Survey and its Chief.

Two members of the Nature of Illinois Foundation Board of Directors had resigned in critical protest of Dr. O'Connor's persecution. I remained on the Nature of Illinois Board to lend my voice to all those in the Nature of Illinois Foundation who still believed that it might be possible to buffer the State's scientific surveys from the increasing level of politically-inspired abuse. Not surprisingly, the Governor, his staff and key administration legislators remained mute and unresponsive to the public outcry.

It is particularly worthy of note that the State's 'investigation' did not even begin until some six months after the fraudulent 'complaints' were lodged. As a result, for a total period of 14 months, Chief O'Connor was physically locked out of the offices which held his extensive personal library. At the conclusion of the 'investigation', the State's attorney assigned specifically to find Chief O'Connor culpable was himself discredited – even in the eyes of the Board. Over the continuing opposition of DENR Director Jack Moore and his staff, Dr. O'Connor was totally cleared and returned to his position as Chief of the State Water Survey.

Having suffered an incredible public defeat and having continuously embarrassed an unresponsive Governor for well over a year, DENR Director Jack Moore continued to conspire to make it impossible for Chief O'Connor to function. Ultimately, until his position was made redundant, Director Moore bullied the Chief with all kinds of insults plus every conceivable restriction on his activities. This was done partly in an effort to appease and support the handful of insubordinate Water Survey administrative staff who had "cooperated" in the fabrication of the array of charges against the Chief.

Moore's insults and restrictions were continued by his replacement, Brent Manning, who commissioned innumerable additional 'investigations' of Chief O'Connor. Since the State administration had failed its attempts to smear him with charges of racism, sexism and criminal activities, this time, through Brent Manning, they called Chief O'Connor's 'management abilities' into question. Dr. O'Connor had envisioned that this would be the State's fall back, retaliatory position.

The entire Water Survey staff became entrained in the process of Director Manning's continued investigative assaults on the Chief. This ultimately resulted in the almost total alienation of outraged scientific staff from all the surveys. There has been a massive loss of confidence in the Governor's administrative staff as well as in the integrity of the Surveys' governing Board members.

More than a year after being restored to his Office, Chief O'Connor waited outside the November 1995 Board meeting while Brent Manning, having commissioned innumerable contrived 'investigations', the results of which remain undisclosed, prevailed upon the Surveys' governing Board to fire the Chief. One can only speculate on the distorted rationale and misrepresentation of fact, if not outright slander, that was offered by Director Manning and his staff.

Perhaps not surprisingly, contrary to the Board's call for an "equitable severance arrangement", Dr. O'Connor has recently been advised that he will not even receive

one month's salary as severance pay. This further sets the stage for a compliant, unquestioning political cheerleader as next 'Chief' of the Illinois State Water Survey. The fact that there have been no resignations from the Board of Natural Resources and Conservation in the face of this on-going State-led vendetta against effective scientific management of the State's precious research resources is, perhaps, an indication of just how ineffective and unprincipled this Board has become.

The Governor's administration has irreversibly blackened its own reputation by its reprehensible persecution of a major scientific leader. Serious questions of integrity have arisen among thousands of people who have read the press accounts and who know of Dr. O'Connor's administrative competence and scientific achievements. The Governor's staff may believe it has swept the problem under the rug, but there is a hidden hand here that remains to be exposed.

As a processor of Illinois corn, we are very much concerned with water quality and the presence of agricultural chemical residues affecting the quality of water used to grow the millions of bushels of corn that we process annually. We make products which add value to American corn and export these widely to the Far East, Europe and the Near East in addition to doing business nationally with well-known companies. We have a great interest in seeing whether the State can now possibly attract any reputable scientist to serve as Chief of the Water Survey. Any credible candidate will surely be concerned with the lack of integrity and contempt for effective scientific leadership which the Governor and his appointed administrative staff have consistently shown.

Despite the assaults on his reputation, Dr. O'Connor continues to be one of the world's leading authorities on drinking water treatment and environmental protection. During the time he was locked out of his office, he was called upon to consult for the Taiwanese government, present his research in Puerto Rico and assist many water utilities in this country. Renowned for his excellent speaking, he is one of the most prominent lecturers at national technical forums for engineers, water and wastewater utility managers and environmental scientists.

The fact that he is so well known and respected by his professional colleagues as both a scholar and capable administrator has further exacerbated the negative impact of his unconscionable treatment by the State administration. There is barely a water or wastewater utility manager in the State of Illinois, and there are thousands, who are not aware that the Water Survey has become politically hag-ridden and is being forced to serve as cheerleader for the whatever position the Governor's administration espouses.

Shortly, the Governor's administration must face the voters, their employers, once more. The damage they have inflicted on the State's scientific surveys is one of the burdens this administration must carry in its quest for re-approval. Alternately, Dr. O'Connor has clearly retained the respect and approval of the scientific and technical professional associations throughout the State of Illinois. I believe the abiding leaders of this State will see him – and hear him – wherever those who provide enduring

professional environmental leadership gather.

What, before another judgment by the public, can this administration do to repair the damage it has inflicted on the scientific surveys? Or will the Governor continue to stand mute in hopes that anger and memories will fade?

24 May '95

Dear Mr. Short,

Another memo from Director Moore disapproving my request to transfer funds to support a distinguished research scientist in the area of atmospheric sciences. This request was initiated by the Atmos. Sciences Division Head, Gary Stensland, and was endorsed by all the Office Directors (Bowersox, Gatz, Ochs, Kunkel) in the Division.

However, I suspect that Stan Changron, former Chief, disapproved of this transfer of GRF and may have influenced Springfield (Witter, Manning included) in denying my request. When this denial becomes known in the Division, I believe the scientists will be very upset that Springfield is putting their colleague at risk.

How can I sustain the Water Survey's core researchers when my every action is scrutinized and denied -- without substantive justification? Is this supposed to punish and humiliate me? Why didn't Karen Witter and Brent Manning intercede? What should Dr. Williams do under these circumstances? -- seek another position elsewhere?

Recently, I have heard that Director Moore will be reassigned to DCCA at a higher salary -- but lower position -- in state government. How can the Governor's Office offer such reward for incompetence?

Sincerely,
John T. O'Connor

✓
June 16, 1995

Dear Mrs. Witter:

Thank you for calling me and giving me a chance to express myself about Dr. O'Connor.

Gaylord Donnelley began the organization which has become the Nature of Illinois. I recall well being taken down in his corporate jet to Champaign - Urbana to see the Surveys and understand what his goal was. It was to publicize these wonderful organizations and help the scientists in any way we could. He pursued this goal vigorously until his death. I believe I am the oldest of the original group.

I am really, deeply concerned about Dr. O'Connor and the way he has been treated on charges which proved baseless. He was locked out of his office and had to wait five months before the Illinois police began to investigate him. He was then cleared of absolutely everything and returned to work 13 months later. During this period his hair turned snow white. He was humiliated and attempts were made to disgrace him. In my view - and I have dealt with many scientists in my long business career - he is a great scientist and has received one of the highest award in his field. He returned to work and has been greatly hampered by more vicious attacks by Mr. Moore, whom I gather is no longer there, and by Mrs. Joyce Changnon the wife of the former director, and Mr. Ronald Karr. I don't understand what Dr. Changnon's role is now. I know he left the Surveys, then married the present Mrs. Changnon and received full salary for a time. When Dr. O'Connor came he felt that Dr. Changnon was not entitled to full salary and I believe he cut it in half. This, of course, was resented. I believe the basis of Mr. Moore's antagonism was the following: Dr. O'Connor was asked to convene a conference of some sort on fuel additives and present both sides. He did so and secured speakers. The speakers apparently did not please everybody and he was asked to eliminate or change some. He declined to do so unless ordered to do so in writing. This brought a memorandum with a black skull and crossbones. In my view, this is not the way to handle personnel.

In any case, there are currently attempts to harass him and I

enclose copies of correspondence which will illustrate what I have told you over the telephone.

Mr. Manning in his very good address to us all, made it clear that you had responsibilities in this area. This is the reason that Tim Lyons and I come to you. The personnel situation in the water department will, I hope, be straightened out immediately. If Dr. O'Connor is the chief and is in charge, the others should report to him and cooperate rather than harass him. He is a gentle man, not vindictive, and I think the situation calls for immediate action. What gives me very great concern and really shook my confidence was the fact that the Foundation presented two petitions to the Governor begging him to hasten the enquiries into the charges leveled against him a year and a half ago. We received no response from either petition and the state police delayed even beginning their investigation for five months from the date of the first charges.

I am enclosing copies of the latest moves to harass Dr. O'Connor. Even though Dr. O'Connor was completely cleared of all charges Mr. Moore speaks of the conditions of his "reinstatement". The director of the water survey should be free to handle personnel and not be micro-managed by a man like Moore acting through disloyal and disgruntled employees in the water survey. I don't think Dr. O'Connor is capable of small, vindictive acts. It is normal for him to exercise control over personnel and I think he wants to get along with his research in that important department rather than report to his subordinates. As a taxpayer I would like to know what Dr. Changnon does and whom he reports to.

This corporation mills more than half of the corn produced in Kankakee County. We ship corn products all over the world from Indonesia to Sweden contributing to the value of American labor to the good, American corn products which we make. Like others, you can imagine I am busy. Yet, I am glad to contribute time and money to the foundation in the hopes of carrying out Mr. Donnelley's goals.

As I said above, the situation requires a sympathetic and understanding reaction immediately. I have noted that after Dr. O'Connor was cleared, no apology was made to him for the dreadful experience that he was put through on baseless charges.

Sincerely yours,

President

JRSJR:ms

Mrs. Karen Witter
217-782-5189
Governor's Office
107 Stratton Bldg.

Springfield, IL 62706

P.S. Dr. O'Connor is an expert in cryptosporidium which made some 300,000 people in Milwaukee sick a couple of years ago. There is only one laboratory in Illinois capable of measuring this parasite, a private one in Bellville. The state water survey needs this kind of equipment and Dr. O'Connor's energies should be free to work and direct key personnel on this very important spreading parasite.

Dr. O'Connor

J. R. SHORT MILLING COMPANY

500 WEST MADISON STREET • SUITE 3150 • CHICAGO, ILLINOIS 60661-2598
TELEPHONE 312- 559-5450 • TELEX 759512 • FAX 312-559-5455

July 20, 1995

Mr. Timothy Lyons
144 West Jackson Blvd.
Suite 3302
Chicago, Illinois 60604

Dear Tim:

As we all know Dr. O'Connor is being harassed again. We all saw him at the meeting in Starved Rock, and he let us know that Mrs. Stanley Chagnon, the wife of the former head of the Water Surveys, has filed a complaint alleging that he is not keeping her informed. Mrs. Chagnon, as I understand it, has responsibilities in finances and personnel of the Water Survey, but of course she answers to Dr. O'Connor. Nonetheless, she has filed a complaint, continuing the harassment of Dr. O'Connor. In due course Mrs. Karen Witter, Administrative Assistant to Mr. Bruce Manning the new head of the Surveys and the Conservation Department, called a meeting and went over Mrs. Chagnon's complaints line by line.

I called Dr. O'Connor because I am so concerned with the outrageous way he has been treated at the Surveys. We all know of his being locked out of his office for 13 months before he was cleared of all charges. The harassment continues.

Present at the meeting was Mrs. Karen Witter, Mr. Manning's assistant for the Surveys, Ms. Debbie Hensey, who was the one that locked him out of his offices, Mr. Kerry Turner, head of personnel, and Mr. Jack Wilke, Dr. O'Connor's attorney. Dr. O'Connor said it took him the full week to prepare for this meeting to answer charges. He was obliged to travel to Springfield to attend it. The complete transcript of the meeting apparently was made by a stenographer. Dr. O'Connor said that Mrs. Witter went over the charges line by line and Dr. O'Connor responded to all of them. Dr. O'Connor told me that he lost a week of work getting prepared and then answering the charges, plus the trip to Springfield. He is very cognizant of the length of time the harassment stretching over a period of 13 months depriving the Survey of leadership and scientific work.

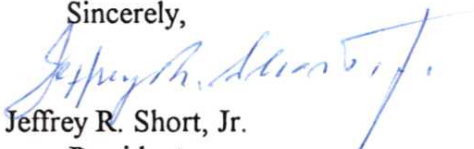
I cannot but wonder who is running the Water Survey? Is it Mrs. Chagnon, whose husband left the Surveys and then married her? Our group was founded by Gaylord Donnelley some years ago to bring to the public's attention the fine work the Survey's do and to help in anyway we can. We have all given time and money. I am greatly concerned as a member of our group, but also as a taxpayer, by the petty office politics and lack of authority that Dr. O'Connor has to put up with. Here we have a man who received one of the highest Environmental

Engineering Awards in the country, The Simon A. Freeze Award of the American Society of Civil Engineers. Dr. O'Connor would like to be free of the harassment and be able to appoint his own assistant. He should be in charge of the Water Survey as the chief. Yet, Dr. Chagnon, the previous Chief, still receives half salary and Dr. O'Connor has not seen him since taking the position. To whom does Dr. Chagnon report?

As I think about this, the background keeps coming up. Trumped-up charges which proved baseless after 13 months delay and Dr. O'Connor's being locked out of his office by Ms. Hensey. Two petitions by us to the Governor asking for a quick resolution to the problem, both of which were ignored, and the cruel harassment and humiliation of a fine scientist for thirteen months. Is this to continue all over again? Is Dr. O'Connor the Survey Chief or is Mrs. Chagnon?

We have four plants in Kankakee including one of the worlds biggest corn mills. We are intensely interested in water, pesticide residues, and are constantly being asked questions by our national customers as well as international customers. It seems to me the personnel problems of the Water Survey must be resolved immediately with a clear definition of responsibilities or the Survey will be brought to its knees by petty recriminations and cheap, scurrilous politics.

Sincerely,



Jeffrey R. Short, Jr.
President

JRSJR:mkm

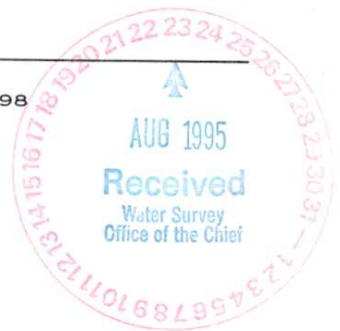
cc: Dr. Robert Metcalf
320 Morrill Hall
505 Goodone
Urbana, Illinois 61801

Professor John Yopp
Graduate School
4716 Southern Illinois University
Carbondale, Illinois 62901

J. R. SHORT MILLING COMPANY

500 WEST MADISON STREET • SUITE 3150 • CHICAGO, ILLINOIS 60661-2598
TELEPHONE 312- 559-5450 • TELEX 759512 • FAX 312-559-5455

August 21, 1995



Dear Mr. Manning:

Several years ago, Gaylord Donnelley, a much beloved, public spirited citizen who was chairman of R.R. Donnelley, the world's largest printing firm, got together a few of his business friends, flew us down to Champaign, Illinois and took the first steps to organize what became the Nature of Illinois Foundation. The purpose was to recognize and disseminate information on the good work done by the Scientific Surveys. The Foundation was largely supported by Mr. Donnelley and business leaders. After his death, the Donnelley Foundation has continued to make generous contributions to keep the Foundation going. There have been many expositions, dinners, and luncheons given by us, honoring the Survey chiefs and their fine work. The Surveys have been going, as you well know, for over 100 years and have established a worldwide reputation for first-class scientific work.

Our firm has been particularly interested in the Water Survey because we have four plants in Illinois all using water and processing millions of bushels of corn annually into food products which are sold not only nationally, but internationally. We are increasingly being asked to identify herbicides, pesticides and all fertilizers used in the production of corn and soybeans. The federal rules are steadily being tightened. The attached clipping from the Chicago Tribune of today is an indication of this. Also, one from the New York Times, Saturday, August 19.

I have been very concerned, and I might add disgusted, by the treatment given to Dr. John O'Connor, Chief of the Water Survey. Dr. O'Connor was a tenured professor at the University of Illinois, then head of the civil engineering department at the University of Missouri, whence he came to the Surveys. He is a distinguished scientist and has received one of the highest awards in civil engineering, the Simon A. Freese Award.

To his astonishment and ours, some two years ago charges were leveled against him for alleged discrimination, racism, and sexual harassment. He was unceremoniously locked out of his office by a Ms. Debbie Hensey for 15 months. He had no access to his library and was humiliated before his colleagues and before the scientific world. The State of Illinois did not begin to investigate the charges for some five months after they were leveled, but after 15

months it was found that the charges were groundless and he was restored to his office with guidelines for his future conduct by a Mr. John Moore. Why these guidelines were necessary when all of the charges were baseless is hard to understand, but John Moore continued to harass him in every possible way. Moore, as head of the Surveys, has been dismissed, but almost at the same time further charges have been leveled at Dr. O'Connor by Mrs. Changnon and Mr. Karr of the Water Survey, the essence of which was that he was not keeping them informed. Such charges from subordinates seem strange indeed.

During the 15 months it took the state to clear Dr. O'Connor he was obliged to go to the expense of employing a lawyer and spend hundreds of hours responding to various allegations, appearing before committees, and was prevented from doing the Survey's work which he is admirably suited to do. He has been unable to appoint his own assistant; and he is again harassed by Mrs. Changnon beyond belief.

After Dr. O'Connor was reinstated, there was no apology from the Government. I might add that the Nature of Illinois Foundation sent the governor two petitions asking that the investigations be speeded up so that Dr. O'Connor could either be cleared or found guilty. He was guiltless, but it took 15 months rather than a couple of weeks, which would be more time than warranted.

From one of our trustees who attended a dinner the other night I understand that instead of allowing Dr. O'Connor to direct his own organization that you are now going to appoint someone to tell him how to delineate the duties of Mrs. Changnon and Mr. Karr. This means more delays, more wasted time, when the Water Survey needs his direction and expertise on, for example, monitoring cryptosporidium, a dangerous, enteric parasite. Two years ago some 300,000 people in Milwaukee fell ill from it and there have been deaths attributed to it. It is difficult to detect, but it is now widely recognized as a threat to water.

The enclosed Reuters news dispatches came over the worldwide Internet computer system yesterday and today. Note contaminated water in Springfield, Danville, and Decatur among other cities.

It seems clear that Mrs. Changnon, Mr. Karr, and also Dr. Nani Bhowmik of the Hydrology department, appear more dedicated to harassing Dr. O'Connor than to performing their duties. I think they should be moved out or instructed to cooperate with Dr. O'Connor and recognize his authority as Chief of the Water Survey. I am dismayed that there are going to be further delays.

I attended the dinner at Starved Rock and heard you announce that Mrs. Witter would be a direct liaison between you and the Surveys. However, I now understand that there will be someone brought in from the outside to tell Dr. O'Connor how to run his

department. This seems to me an intolerable situation and I urge you to show leadership to settle this matter immediately so that important work can begin. The Water Survey needs to assess how cryptosporidium and pesticides will impact agriculture and industries using hundreds of millions of bushels of corn, wheat and soybeans annually.

Sincerely yours,
J.R. SHORT MILLING COMPANY


President

JRSJR:ms

Mr. Brent Manning
Illinois Department of Conservation
524 South Second Street
Springfield, Illinois 62701

cc:

Dr. John Yopp
Mr. Robert Benton
Dr. John O'Connor
Mr. Edmund Thornton
Mr. Timothy Lyons
Dr. Donna Jurdy
Dr. Robert Metcalf



RECEIVED

SEP 15 1995

Illinois State Water Survey

2204 Griffith Drive
Champaign, Illinois 61820-7495
Telephone (217) 333-2210
Telefax (217) 333-6540

September 12, 1995

COPY

NOTED
SEP 13 1995
E. B. T.

Mr. Edmund B. Thornton
The Edmund B. Thornton Foundation
P.O. Box 949
1461 W. Lafayette
Ottawa, IL 61350

Dear Ed:

I apologize for being so slow in thanking you for your wonderful endorsement at the Board dinner on August 9. It took a lot of courage for you to say what so many people felt in their hearts.

I have received many comments since then -- all positive and supportive. If nothing else, Joni and I feel we have made many fine friends in the 860 days since I was locked out of my office. We are proud to count you as one of them.

With warmest regards,

John T. O'Connor
Chief
217/244-5459

dkm

RECEIVED SEP 18 1995

WM. L. RUTHERFORD
ATTORNEY AT LAW
5823 N. FOREST PARK DRIVE
PEORIA, ILLINOIS 61614

FAX NO. (309) 688-7581

TELEPHONE (309) 688-6631

September 19, 1995

PERSONAL

Mr. John T. O'Connor
Chief
Illinois State Water Survey
2204 Griffith Drive
Champaign, Illinois 61820-7495

Dear John:

Between you and me, I thought you would be interested in my note from Ed Thornton. I gather he finally had the courage to speak out now that the crisis is safely past. I resigned from the Nature of Illinois Foundation because they didn't have the guts to speak at the time it was needed, and I am amused to receive this belated note of such courage.

Kind regards,

Bill

William L. Rutherford

enc.

WLR/hb

Aurora Beacon - News 11/5/95

Board ousts State Water Survey director

THE ASSOCIATED PRESS

Champaign - Director John O'Connor of the Illinois State Water Survey has been fired by the survey's governing board.

At a three-hour closed meeting Friday, the board voted 5-0 to fire O'Connor instead of giving him free rein over the survey.

"Dr. O'Connor has strong scientific credentials, expertise and research capabilities," said Brent Manning, director of the state Department of Natural Resources and chairman of the survey board. "This action is not a reflection on him, but simply a recognition by the board that it is time for a change in leadership."

When O'Connor regained his job as chief of the survey last year, state officials prohibited him

from making key management decisions without their approval. Both O'Connor and members of the governing board agree those conditions ultimately hamstrung his ability to lead the Champaign-based agency.

Carol Knowles, Manning's spokeswoman, said the board decided to fire O'Connor after an independent management consultant recommended the survey needed new leadership to boost staff morale. She said that even O'Connor's supporters on the board agreed with the decision to replace him.

O'Connor, though, said academic politics played a role in the decision. Since he came to the survey in 1992, he said he has been embroiled in an administrative and scientific power struggle with vet-

eran staffers who chafed at his decisions on research funding and budget cuts.

O'Connor returned to his post in August 1994 after the Illinois Board of Natural Resources and Conservation dismissed allegations that he discriminated against foreign-born employees, sexually harassed a worker and misused state funds.

After a yearlong state investigation, during which O'Connor was on paid leave, board members voted to reinstate him on the condition that he develop a plan to boost staff morale.

Moreover, O'Connor was prohibited from making any personnel changes or budget reallocations without prior approval from the survey board.

To: Mike Hawthorne
From: John O'Connor

Sun., 5 Nov. '95

Re: Aftermath of
Firing of Centennial
Chief - NIF

Dear Mike,

The NIF Board will meet in Chicago on Wednesday to consider action in response to my dismissal. I have not prompted any action on anyone's part. However, the NIF has become increasingly involved in recent months as they consider their role in protecting the scientific surveys. Apparently, they will consider resignations (I hope they don't.), and a letter of disapproval to be sent to the press (particularly, Chicago media).

Jeff Short and former NIF Chairman, Edmund Thornton are especially agitated over my dismissal. I understand that, for damage control, Brent Manning called NIF Chair, Tim Lyons (while Brent was returning to Springfield) to inform him I had been fired. Tim expressed his disapproval of this action and his support for me.

With the previous defections of William Kutherford (a former Director of I.DOC - his photo is on the wall of Brent Manning's conference room) and Susan Stone (she and her husband both helped guide me through the DENR assault), it would seem the very future of this unique private support group is in doubt.

In addition to the recent NIF Board resolutions calling for the BNRC to empower the Water Survey Chief, I am attaching correspondence related to my efforts to appoint an Asst. to the Chief of my own choosing.

Thanks for your continuing interest.
John

Sunday, ⁵ November 1995
Champaign, Illinois

Dear Mr. Short,

First, let me thank you for your unflagging interest and support throughout the continuing nightmare during my administration of the State Water Survey. Although I have been fired, I am pleased that the accusations against me (initially, so damaging and repulsive) are now reduced to lack of 'morale' among the Water Survey staff. I understand that Brent Manning has ordered staff to be happy and cooperative. That should take care of the matter.

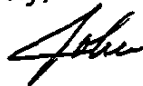
I am pleased that Lorin Nevling has been appointed interim Chief of the Water Survey. He has been most sympathetic and supportive throughout my ordeal. His job is to 'heal the divisions' within the Survey. Director Manning's assumption appears to be that I was the divisive force. I'm sure Lorin knows better. He may have been appointed Acting Chief in an effort to appease the NIF Board.

I have spoken at length with Lorin this weekend. I explained that Manning's severance suggestion (one month's salary) was insulting to anyone at the Chief's level --particularly when I have been fired, not for cause, but because of an intolerable condition created by the BNRC.

I feel that I should be paid moving expenses to return to my home in Missouri plus the legal fees that they have caused me to incur. Finally, I think I should be awarded a one-year sabbatical leave of absence to compensate me for losses to my professional and research career. I would use this time to conduct drinking water research in the national interest. Contrary to what I was led to believe when I accepted the position as Chief, there was no opportunity for me to do creative research. Indeed, the Water Survey had largely ceased to do drinking water research about the time (1975) that I left the University of Illinois for Missouri. It had all but ceased research on wastewater treatment and water quality management by the time I returned to Illinois. This was reflected in the fact that only Dr. Shundar Lin (Peoria Laboratory) and I attended the 1994 national meeting of the Water Environmental Federation in *Chicago*. The absence of the Water Survey in the water quality literature is evidence of this loss of research direction. As the NIF Board members realize, I was working to restore this interface with Illinois municipal water and wastewater utilities (approximately 2500, statewide).

I hope the NIF Board will support me in my efforts to obtain equitable severance compensation. I believe every Chief should be treated with the respect and consideration the position deserves. If the Chiefs are to be used as temporary babysitters (not to mention, scapegoats), the limitations on their authority and the conditions for their termination should be made clear before they are offered the position.

Sincerely,



To: MR. JEFFREY SHORT

Tues., Nov. 7, 1998

FROM: JOHN O'CONNOR

RE: BNRC SUBCOMMITTEE MEMBER - TELEPHONE
CONVERSATION WITH DR. ROBERT METCALF (916-872-1926)

Dr. Metcalf is thoroughly disgusted with my firing. His subcommittee never issued a report, but the BNRC used the 'views' of Dr. George Walker, Vice Chancellor for Research, Indiana University, to condemn me.

Metcalf believes IDNR (Manning, Witter, Comerio, Montalvo) were charged with getting rid of me as part of the DNR reorganization. The staff made petty criticisms of my interaction with DNR.

Metcalf argued for removing restrictions on me, protecting the Chiefs and allowing me to appoint my own staff, including an Assistant-to-the-Chief. When Witter complained I was not 'responsive' to her memos, Metcalf pointed out that I had no staff.

Metcalf has thought of resigning from the Board. He is extremely disappointed in Bob Benton, Donna Gurdy and John Yopp for voting against me -- since he knows they know better and yielded to pressure from Manning and his staff.

Dr. Metcalf said that my patience and demeanor have made him a better man. He takes his hat off to me and admires the effort I have made.

He is appalled at the suggestion of one month's severance and volunteered the opinion that one year would be more appropriate. He apologized for not being present to present his views at the Board meeting. He strongly felt that Albire should have abstained. John

J. R. SHORT MILLING COMPANY

500 WEST MADISON STREET • SUITE 3150 • CHICAGO, ILLINOIS 60661-2598
TELEPHONE 312-559-5450 • TELEX 759512 • FAX 312-559-5455

December 1, 1995

Dr. John O'Connor
2118 Robert Drive
Champaign, Illinois 61821

Dear Dr. O'Connor:

As a board member of the Nature of Illinois Foundation I have learned of your abrupt and unexplained dismissal as Chief of the Illinois State Water Survey by the Board of Natural Resources and Conservation (BNRC). I understand that this action was taken following a series of investigations conducted by the Illinois Department of Natural Resources (IDNR) Director Brent Manning and his staff. As a result, the Executive Committee of the Nature of Illinois Foundation has held an emergency meeting, because we are deeply distressed by your termination as Chief and will direct a letter of protest to the Board.

It is my understanding that no report of any of the IDNR investigations leading to your dismissal was brought forward to you or the public prior to your dismissal. This appears to be consistent with previous actions of the Illinois Department of Energy and Natural Resources (IDENR) on behalf of the Board of Natural Resources and Conservation when they denied you access to the details of numerous charges then made against you. During your previous 14-month public pillorying, you were by no means given fair treatment. Even with these odds against you, I am apprised that the BNRC was ultimately forced to acknowledge that the charges made against you were patently false. The BNRC then voted to return you to active service as Chief, but placed administrative restraints on you in order to protect those staff members who had authored the false charges. Subsequently, the IDENR was disbanded by Governor Edgar, and Director John Moore, who continued to call for your dismissal even after your return, yielded to the new Director of the Illinois Department of Natural Resources, Brent Manning.

This organization, the Nature of Illinois, was founded by the late Gaylord Donnelley, an outstanding Chicago citizen, who was formerly chairman of the R.R. Donnelley, the largest printer in the United States. His aim was to bring public attention to the Surveys, point out areas in which they were very proficient and beneficial to the State and to form a board of prominent lawyers, businessmen and scientists who would, in effect, monitor the Surveys in a friendly and helpful way. He also succeeded in

beginning the publication of the Nature of Illinois magazine a regular bulletin on the many facets of scientific activities in our State.

We are aware that Illinois' three scientific Surveys, Water, Geology and Natural History, average about 100 years in age. The Hazardous Waste and Information Center was derived from the Water Survey a few years ago. We have been proud of the caliber of the scientists and scientific leadership of these Surveys and know that their work has been recognized internationally as well as nationally.

In reviewing your distinguished career, I know that you were a tenured professor for 15 years at the University of Illinois and then headed the Department of Civil Engineering of the University of Missouri in Columbia and Kansas City for 15 years. You are known nationally for your drinking water research and have received the Simon A. Freese Award from the American Society of Civil Engineers, the highest honor in your field of environmental engineering. You were sought out and offered the position of Chief of the Water Survey of Illinois in September 1992, becoming the first Chief from outside Illinois since William Ackermann was recruited 34 years earlier.

Shortly after your arrival you were made aware of the fact that atmospheric scientists of the U.S. Army Corp of Engineers, the University of Illinois Department of Civil Engineering, and the Water Survey were jointly planning a seminar on the use of ethanol in reformulated fuels. These scientists had chosen speakers to represent all sides of the ethanol question. Although you did not chose the speakers, DENR Director Moore and his staff asked you to delete certain speakers. Since you had not chosen them and had no part in organizing the conference, you felt it was inappropriate to interfere with the program without written instructions from the then DENR Director, John Moore. As I recall, Mr. Moore sent you a harsh, threatening memorandum illustrated with a skull and crossbones. The conference took place as scheduled and shortly thereafter you were confronted with a list of accusations and locked out of your office pending a prolonged investigation by State agencies.

In May 1993, you were charged by Mrs. Changnon, Assistant-to-the Chief Ronald Karr and others of racial discrimination, two instances of sexual harassment and a number of other violations. You were locked out of your office and denied access to your own research library. You were ordered not even to speak to Water Survey employees. Inexplicably, the State did not even begin to investigate the charges until eight months after they were filed. At that time, they acknowledged that there were no bases for the sexual harassment charges, possibly the most serious to be launched against you. You were cleared of all charges and restored to the Office of the Chief fourteen months later in June 1994. During

November 13, 1995
P.O. Box 72
Philo, IL 61864
Phone: 684-2357

Dear Dr. O'Connor:

I wish I could understand this whole situation. Then, perhaps, I could offer some consoling explanation or interpretation to you. The truth is, though, this situation has left me (and others, I sense) at a loss for words and a plausible explanation.

When notice was given to the Hydrology Division late Friday (Nov. 3) afternoon, as I understand it, the wording used was similar to how it was conveyed to the Division Heads from Brent Manning. It was stated something like, "We (Water Survey employees) are all losers in this situation." The perplexing question is, then, "How can the Board's decision be appropriate if the end result is that 'We are all losers...?'" I cannot figure this out. I thought the Board's role was to act on behalf of the Surveys; not to make their employees "losers".

Also, the public (newspaper) statement from the Board/DNR, which said something to the effect of "...it is simply a time for a change...", maddens me. Talk about lack of substance in an explanation! Apparently these "decision makers" think that they aren't obligated to offer substantiative reasons in defense of their decisions/actions. Again...maddening.

Dr. O'Connor, I hold in high regard the integrity and perseverance you have displayed in this whole protracted affair. I cannot imagine how difficult this has been for you and your family. I can only guess that the strain it has caused you and yours has been several orders of magnitude larger than the level of consternation it has caused me. Only a very strong individual could have carried themselves with professionalism and perseverance as you did .

I am writing this not so much as a "goodbye", but in appreciation of your leadership and willingness to confront "head-on" a situation/environment which has (still) inherent (inherited?) problems.

Sincerely,



Mark A. Anliker

The long Coda: H₂O'C Engineering, LLC, 1993-2022.

Amidst the chaos of my ISWS ordeal, in 1993, I decided to incorporate **H₂O'C Engineering, LLC** in the State of Missouri. This nascent firm was conceived to serve as a vehicle to allow me to continue to perform creative work in the fields of water and wastewater treatment technology when my tenure at the ISWS was over.

To my surprise, this new engineering firm proved to be remarkably successful. It has enabled me to address real-world problems faced by numerous midwestern water, wastewater and industrial utilities. Although its focus has recently changed to solar system design, **H₂O'C Engineering, LLC** remains viable as it completes its thirtieth year.

The **H₂O'C Engineering, LLC** company website, www.h2oc.com, contains numerous water and wastewater-related posts, many created as part of our extensive operator training programs.