

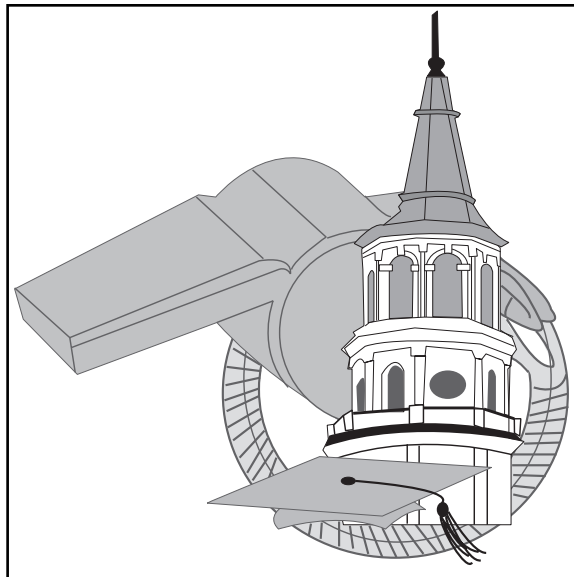
CRIME AND PUNISHMENT 101: THE LEON SHOHET STORY

BILL LUEDERS

It's just after 8 a.m. on Feb. 18 when Leon Shohet enters the classroom. "As all of you know," he tells his students, "this will be my last class." He doesn't say why, but all of them know: Shohet must report to federal prison the following day. He's received a three-month sentence for having lied while netting millions of dollars in federal grants.

The course is called 320 Electrodynamics II, and it covers such topics as electromagnetic fields, magnetic circuits, and plane wave propagation. But the 50 or so undergraduates in Shohet's class this spring also got a chance to learn what happens when a powerful academic breaks the rules.

I hunker down toward the back of the classroom, trying to look inconspicuous. It's the second time I've sat in on the only course Shohet (rhymes with know-it) was assigned to teach this semester, and while I don't understand the terms he uses or the equations he scrawls on the blackboard, he seems knowledgeable and continually uses phrases like, "Does everyone see how we got this expression?" When he hands out instructor evaluations and leaves the room, I snatch peeks of students giving him high marks.



At the end of class, Shohet, 61 [He will turn 62 on 6/26/99], thanks his charges for their support. "I think you've been subjected to things no students should ever be subjected to," he tells them. Afterwards, students approach him with questions--about electrodynamics. As I wait my turn, a local television crew begins to film Shohet through an open doorway.

Seeing this, he angrily walks over and slams the door — great footage for the station's broadcasts at 6 and 10.

"It's ridiculous," he exclaims in disgust, before returning to his students. As Shohet wipes the blackboard, I approach and introduce myself, asking if he might be willing to correspond about his situation. He declines. I tell him I think he's a good teacher; I might as well have said he smells bad. "Stay out of my classroom," he admonishes, before ducking out a back door and fleeing down the hall, TV crew in pursuit. "I hope you can sleep at night."

Ouch. Here I am working on a story for a respected public policy journal, and wham, he

Bill Lueders is news editor of Isthmus, a Madison weekly.

pegs me as a member of the Paparazzi. I feel for him, because I know things have happened that have not been fair. For instance, at Shohet's sentencing, the U.S. attorney claimed (and the press reported) that his colleagues and students see him arrive for class each day in his 1998 Mercedes Benz or 1997 Jaguar. These are cars Shohet owns, but it's an old Toyota Supra that he's driven to work.

Poor Leon Shohet. Poor misunderstood man. But before I reach for my handkerchief, it dawns on me how completely in character it is for him to project blame outward. In his eyes, he's the victim — of vengeful staffers, biased investigators, cutthroat reporters, prosecutors with political axes to grind.

Throughout this whole ordeal, Shohet has benefitted from a university system that seems impervious to ordinary notions of accountability, where strictures put in place to protect academic freedom now protect the freedom of academics to do as they damn well please. When it was confirmed that Shohet made a mess of running a major university department, he had to step down as director, but continued to draw his regular nine-month salary of \$129,000 for the next six months and suffered only a slight reduction thereafter, when he remained on staff as a tenured professor. When it was concluded that Shohet distorted the duties of an assistant to secure hefty pay raises, he didn't even get a slap on the wrist. When Shohet was convicted of a crime and ordered to prison, the university again pleaded impotence. Indeed, on his last day of class before heading to the pokey, Shohet tells his students he's scheduled to be back teaching this summer.

Welcome to Crime and Punishment 101, the University of Wisconsin's introductory course on lying, cheating and getting away with it. Topics include: how persistent problems are overlooked or covered with white-wash; how even the most egregious abuses can't stop streams of cash from flowing into academics' pockets; and how university employees who blow the whistle often suffer more serious consequences than those who commit misconduct.

—

From its founding in 1988 until last year, the College of Engineering's Engineering Research Center for Plasma-Aided Manufacturing has had two constants: Its director was J. Leon Shohet, a UW faculty member since 1966, and most of its funding came from the National Science Foundation. From 1988 to 1997, the NSF gave the ERC \$25.2 million, including \$2.8 million in 1997. The center, which studies the use of electrically charged particles in manufacturing, has also received support from companies including AT&T, DuPont, Eastman Kodak, General Electric, Hewlett-Packard, IBM, Johnson Controls, Proctor & Gamble, and Texas Instruments.

Almost from the start, there were indications of problems with Shohet's management of ERC, but as long as the money kept coming in, the university didn't seem to care. In November 1989, the ERC's executive committee and UW-Madison officials including College of Engineering Dean John Bollinger received a letter from three prominent faculty members blasting Shohet's style as "badly flawed and unconscionable in a university environment." Among the specific problems, which the researchers said were unique in their experience, were:

- "Budget decisions are made without advice and consent of the executive committee."
- "Programs are begun or ended without review by the executive committee."
- "Budgets and sub-budgets are secret and not open for inspection and discussion."
- "No reasons are given for decisions."

The situation was so grave, the faculty members warned, that it threatened the "survival" of the ERC: "We submit that sooner or later all participants in the center will decide it is better to seek other opportunities than to be subjected to this manner of operation." They got the ball rolling by threatening to leave unless the situation improved.

Within a year, all three faculty members had disaffiliated with the ERC. Another major research group pulled out in 1992, citing

"almost all of the same concerns," according to Mary Lou Reeb, a university official who investigated the ERC in 1996. Reeb found that Shohet and assistant director Marlene Barmish, whose salary he massaged upward from \$36,360 in 1991-92 to \$62,563 in 1996-97, created a hellish working environment within the ERC.

"Almost all of the staff members interviewed reported that the management style of the director and assistant director," wrote Reeb, "alienates them and adds to, rather than diminishes, the stress level of an already intense environment." Staff members and students "had experienced or witnessed rude, abrasive, and vindictive behavior on the part of the assistant director toward staff members and students." Barmish was seen as having "unlimited power-backing from [Shohet]"; issues raised with either administrator "are never resolved; instead they just fester." This caused what Reeb called "a very unstable environment...and thus decreased morale and productivity."

In 1994, Shohet subjected one staffer to, in Reeb's account, "an unprovoked, vindictive, unprofessional, personal attack." In 1995, another staffer "considered the verbal abuse by the director toward her so severe that she filed an informal complaint with the College of Engineering." But no action was taken against Shohet.

Indeed, it's likely that Shohet would still be heading the ERC, Barmish by his side, their reputations untarnished, were it not for a \$19,400-a-year secretary named Susan Nichols.

Sue Nichols rejoined the ERC in October 1995 after a six-year absence, during which she worked at the UW's Office of Legal Affairs and

the state Department of Justice. Her credentials as a fighter were firmly established: In 1991, the Columbia County district attorney thumbed his nose at Nichols' request to see what were previously public records; when she proceeded to cite relevant sections of the state's open records law, a Portage police officer removed her from the DA's office. Nichols sued, winning part of her case at the circuit court level and the rest of it on appeal. *Nichols V. Bennett* remains an important open records ruling.

In March 1996, Nichols and ERC lab manager John Jacobs expressed concerns about Barmish's treatment of Kristin Weber, a five-year ERC employee. Weber had complained, Reeb reported, about "alleged untruthfulness and emotional abusive behavior exhibited toward her" by Barmish and Shohet, who "resisted attempts to discuss her situation" and "didn't want to acknowledge the problem she and others experienced." On April 1, Weber submitted her resignation.

Shohet did agree to hold an ERC staff meeting. But when Nichols tried to ask about Weber's departure, he purportedly stormed from the room. A second staff meeting on May 1 ended similarly. The next day, Nichols sent Shohet a letter requesting that he contact UW Employee Assistance to "ask for help in conflict mediation." Copies went to the ERC executive committee. Shohet went to his boss, College of Engineering Dean John Bollinger, seeking to give Nichols and Jacobs the boot.

A week later, on May 9, 1996, Shohet sent Nichols a written reprimand, calling her letter "entirely inappropriate." He chided her for complaining about the office atmosphere ("Such open accusations make for a very

...it's likely that Shohet would still be heading the ERC, Barmish by his side ... were it not for a \$19,400-a-year secretary named Susan Nichols.

uncomfortable work environment"), said Nichols' actions smacked of "insubordination," and warned, "I will not tolerate this any further." On the same day, Shohet also sent a letter to Jacobs, threatening dismissal.

Several days later, when Jacobs tried to discuss this letter, Shohet called the UW Police. Nichols asked Bollinger for a meeting to discuss workplace issues. Another employee, outreach coordinator Cathy Cetrangolo, warned that Nichols and Jacobs were being "railroaded."

On May 16, 1996, a UW police detective and an auditor, having been tipped off by Nichols about alleged improprieties, seized files from Barmish's office. The next day, UW Police were summoned again — this time by Shohet and Bollinger, both of whom were present as Nichols was escorted from the premises. The reason, Shohet told Nichols, was that "people are afraid to come to work with you here." Nichols was placed on administrative leave from the ERC, and later, was involuntarily transferred to another department.

Nichols fired off another letter to Shohet, blaming him and Barmish for the troubled work environment: "I believe that all employees — not just the ones that agree with you — are entitled to a workplace that is safe and secure." This letter, copies of which were sent to Bollinger and other UW officials, stated that when Nichols complained to Shohet about Barmish's abusive style, he told her, "all Jewish women are like that."

In August 1996, Nichols, Jacobs and Cetrangolo sent the UW System Legal Office a letter, accompanied with supporting documents, alleging that Shohet had committed fraud in elevating Barmish's job status and salary. (By the end of the year, Cetrangolo resigned, citing the "poor and unethical treatment" she received.)

The UW responded by authorizing two investigations: Reeb, an administrator at the UW's Sea Grant Institute, was tapped to conduct an independent review of the ERC's management; and law professor Frank Tuerkheimer, a former Watergate prosecutor,

was asked to look into allegations of improprieties, eventually including the charge that Shohet systematically misrepresented the number of private companies listed as industrial members of the ERC, a key criterion in NSF funding decisions.

Reeb's report was released Dec. 23, 1996, along with an announcement that Shohet was stepping down as ERC director. Reeb found that while Shohet was seen as an effective spokesperson and fundraiser for the ERC, he ran the center in "an autocratic, nonconsultive fashion." And while Barmish was viewed as devoted and hard-working, her management style was "unprofessional and inconsistent with the needs of the center."

Barmish branded the Reeb report "a carefully orchestrated 'witch hunt,'" "slanderous to my professional reputation," "biased," "one-sided" and "inaccurate." Shohet said the report "is totally unbalanced and lacks credibility." He accused the three whistleblowers of orchestrating "a long-term campaign of harassment and intimidation" against him.

Nichols filed a lawsuit against the university and a formal complaint against Shohet. UW Chancellor David Ward refused to pursue the latter because of the former, saying it was inappropriate "to internally investigate issues of alleged misconduct against a member of the faculty when that individual is simultaneously involved in litigation of those issues...." Nichols eventually settled her lawsuit for \$150,000 and moved to Anchorage, Alaska, where she looks back on her ordeal with regret: "I feel like my name's been dragged through the mud, and it never got pulled back out."

Frank Tuerkheimer's first report was completed in November 1996 but kept under wraps until Feb. 5, 1997. As with the Reeb report, its release was accompanied by an announcement: Marlene Barmish was being demoted and her salary cut by \$17,500, down to \$45,000 a year.

Barmish's job duties, Tuerkheimer concluded, were "artificially inflated or misrepre-

sented" by Shohet "well beyond any acceptable limit of exaggeration" to justify pay hikes and promotion. He also found that when the College of Engineering rejected Barmish's request to hike the pay of two employees, she instructed them to add hours to their time cards so they would be paid at the higher rate. Tuerkheimer said that while Shohet claimed to be "shocked" when told of this subterfuge, "[m]y reluctant conclusion is that Professor Shohet was aware of the pertinent facts."

Critics howled that Barmish should have been fired, but Bollinger shrugged his shoulders. "How much can you hold...a person to?" he asked, noting that Barmish was acting under Shohet's supervision. Bollinger also provided Barmish with a glowing letter of recommendation. (She left the ERC last fall.)

As for Shohet, no further action was taken, because the university had already stipulated that his resignation as ERC director "shall fully resolve any and all matters arising out of the Reeb and Tuerkheimer investigative reports...." This agreement was made even though Tuerkheimer had not yet investigated the allegation that Shohet had, in filings with the NSF, systematically overrepresented the number of private companies listed as industrial members of the ERC.

In 1993-94, when a NSF review led to a five-year renewal of the ERC's funding, Shohet's annual reports claimed 27 "current industrial members of the ERC." Yet the center's internal membership schedule showed that only six of these actually paid dues that year. For instance, Shohet listed Honeywell in every annual report through 1996, even though the company notified him in April 1993 that it had "decided to discontinue our membership."

Questioned by *The Capital Times*, Shohet admitted that "a few members are in arrears," but insisted that paying dues was not the be-all-and-end-all of determining membership: "The U.S. would be out of the United Nations by that standard." Touché. UW brass took a similarly cavalier view toward the prospect that Shohet lied to the NSF; according to the paper, Bollinger "said he didn't view the charge as very significant."

Tuerkheimer's second report, completed May 14, 1997, concluded that Shohet had indeed made false representations to the NSF. He noted that while the NSF was less than precise in defining what constituted membership, the ERC was not, saying a member was someone who annually gave \$15,000 cash or \$45,000 in equipment.

In July 1997, the NSF announced it would cut its funding of the ERC to \$1.6 million in 1997-98 and thereafter phase it out altogether. Its own on-site inspection had turned up "several serious weaknesses that we would not expect to find in a center in its ninth year of support." Chief among these: the center's "low level of financial support and

involvement with industry."

A university committee likewise found "probable cause to conclude" that Shohet "misrepresented the membership in annual reports to the NSF." When the committee's report was released in August 1998, a UW official announced "there's nothing more we plan to do" to discipline Shohet.

Such kid-glove treatment of misbehavin' administrators is actually the norm at the UW. Between December 1996 and June 1997, five high-level UW administrators (including Shohet) were forced to step down. One left the university voluntarily; the other four remained

A university committee likewise found "probable cause to conclude" that Shohet "misrepresented the membership in annual reports to the NSF.

on the payroll in other capacities, earning at least \$100,000 a year. One actually ended up making more money — \$127,836 instead of \$116,600 — because, the *Wisconsin State Journal* reported, "his nine-month faculty job was supplemented with a summer teaching appointment, though he is not teaching." Nice work if you can get it.

In November 1998, the U.S. Attorney for the Western District of Wisconsin charged Shohet with one count of using a false written statement to obtain money from the federal government. Shohet pled guilty, and his attorney, Lester Pines, provided spin control, saying the misdemeanor charge "is not considered to be a serious criminal violation." When I ran this past Shohet's prosecutor, Assistant U.S. Attorney Tim O'Shea, he noted that the offense carried a maximum penalty of \$100,000 and one year in prison: "I think most people would consider that significant."

At sentencing, U.S. Magistrate Stephen Crocker announced early in the proceeding, "I am going to put Prof. Shohet in jail." This prompted Stephen Glynn, Shohet's attorney, to paroxysms of pity.

"I think there should be no question whatsoever that this man is entitled to the least amount of punishment [the court] can give," opined Glynn. "This is not only a guy who isn't taking money for his own good, he's getting money into the university, for the good of the university. [This is] a friend, not an enemy, of the University of Wisconsin." He added, pointing to the reporters in the courtroom, that "The stocks he's been put in by the public media is as much punishment as anybody should have to go through."

Shohet, in a brief statement, was contrite: "I'm very sorry for the disgrace I've brought on my family, and the disgrace I've brought on the university." Magistrate Crocker made him even sorrier, imposing three months in prison,

one year of probation, a \$10,000 fine, and 100 hours of community service. He said Shohet's "crime of arrogance" led to money going to the ERC that might have gone to other projects: "Every unsuccessful grant applicant has to wonder what would have happened if Professor Shohet hadn't lied."

Rep. Steve Nass (R-Whitewater), seized the moment to call for UW Chancellor David Ward "to stop protecting Shohet and fire him." Ward, in response, declared that the UW had made a mistake in agreeing not to impose further discipline in exchange for Shohet stepping down as ERC director: "Frankly, in hindsight, we gave up too much for what we received in return." Ward assured Nass that a "meticulous system of checks and balances is now in place" to prevent future agreements that tie the UW's hands.

Casey Nagy, a campus official, says this "meticulous system" consists not of any written policy but of "a protocol for collaboration and consultation among offices" before disciplinary agreements are signed. Reassured?

Another instructor stepped in to teach the remainder of Shohet's electrostatics class. His students were sorry to see him go. One of them, junior Ted Schraven, told a student paper after the sentencing that he had nothing but praise for his beleaguered instructor. "I try to compare this to Clinton," he said. "Shohet is still doing his job despite all the trouble." Besides, "It's not like he was pocketing the money. It was for a good cause. I still respect the guy."

—

Casey Nagy says that during the many weeks Shohet was in prison efforts were made to negotiate "whether and when and under what circumstances" he would return to the UW. But as of his release date in mid-May, no decisions had been reached.