

Taleyarkhan Response to Purdue C-22 Inv.C Final Report

At 09:00 AM 7/21/2008, [Rusi Taleyarkhan] wrote:

Haiko:

A short while ago I had spoken about all this with Steve Krivit who we both trust. Am placing him on cc list.

The report of Purdue and conclusions drawn therein are basically flawed from numerous perspectives. A rebuttal report clarifying such items has been prepared for the record.

[SK: When do you expect to have the rebuttal report available?]

[RT: This is ready - already sent to ONR]

[SK: When it becomes available, do you plan to issue a press release?]

[RT: How does little "me" issue a press release?]

The two areas where they cite misconduct is plain BS and contrived. These two areas were looked at in detail in 2006 without Congressional pressure and found no misconduct; in 2007 after Congress intervened and encouraged Purdue to "correct" their findings. A new investigation was started in 2007 in which people all over the world were invited to send their allegations. These were grouped in 34 distinct groups most of which dealt with fraud, fabrication, plagiarism and non-acknowledgment of DARPA for funding the research. ALL 34 ALLEGATIONS WERE DISMISSED AFTER 1.5y of INVESTIGATION INTO ALL ASPECTS - This is especially relevant for the ones dealing with fraud/fabrication.

Purdue is under enormous pressure to find something, anything to make a statement pointing fingers at me to the exclusion of all my co-authors who were intimately involved in every step. This is referred to as "witch-hunting" and bullying. The statement on independence was "these observations have now been independently confirmed," which was actually put in by a co-author, not I, but we all (especially Lahey, Block, West, Nigmatulin, Xu) deemed it to be appropriate since the observations were indeed made without any input from the original team; Xu did the expts. themselves, observed the results, did the analysis, prepared the plots and drew conclusions himself with no input from others, then it was reviewed/cross-checked by A.Butt. The guidance/counsel/consultation he received for attaining successful bubble fusion was prominently acknowledged by him in his papers. As Steve Krivit has pointed out there are various grades of independence.

This issue has been blown out of proportion and the science of the actual successful reproductions and the investigative findings for absence of fraud/fabrication in any of our bubble fusion reported studies is being overlooked with this silliness.

When all 34 allegations were dismissed something had to be found to complain about and report to Congress and to protect Purdue from possible lawsuits for actions of its administrator L. Tsoukalas for violating rules of conduct. Surprisingly, 2 new allegations were "fabricated" - which were not charged by anyone in the 2007-2008 investigation. These were the same allegations already dismissed by an earlier investigation by Purdue for which it was berated by Congressman Miller (at the urgings of our competitors). Just look at the Jan.2007 Press Release (exonerating Taleyarkhan) with the July 2008 Press Release. This smacks of politics and CYA but downright illegal.

This self-fabrication of new allegations violates the charter given to the 2008 Inv.C.

[SK: What is the charter you refer to?]

[RT: According to the State law (Executive Memorandum C-22) governing such investigations for Purdue in Indiana, following the submission of allegations of misconduct the Provost appoints an Inquiry Committee (Inq.C) of peers without conflict-of-interest; the Inq.C looks at all the allegations, investigates the submitted facts/rebuttals and decides which allegations should be investigated

further and which allegations are baseless and to be dismissed; the Provost then forms a second investigation committee (Inv.C) and formally transmits the forwarded allegations and gives them the charter to investigate those allegations. The Inv. C then investigates these allegations and passes judgment, after which a 25 day Appeals process starts. I will send the letter from the Provost to this effect.]

which was charged only to pass judgment on the allegations that were forwarded to them -- none of which are the ones for which they passed misconduct judgment and wrote the report with vitriol to intentionally cause harm, to meet a stated objective. I'm in discussions with my legal counsel (John Lewis) to see how best to handle this situation; appealing to Purdue which acts as judge, prosecutor and jury may be worthless.

I'm up against a huge institution with unlimited resources and they have made it plain to me that I will be punished if I do not cooperate, the punishment being greater if I do anything that goes against Purdue's interests.

Rusi

[SK: One matter that I am particularly interested in is from the April 18, 2008, report which states that, in regard to the June 2005 press release, the University News Service, you and Tsoukalas failed to employ sufficient caution and allow sufficient time to prepare the press release and "did not employ the external checks which the News Service customarily employs." I have left messages with Emil Venere, the writer of the press release. Rusi, if you have any further details that confirm or disconfirm what the April 18, 2008 report says about the June 2005 press release.

The July 2005 press release states:

"Xu and Butt now work in Taleyarkhan's lab, but all of the research on which the new paper is based was conducted before they joined the lab, and the research began at Purdue before Taleyarkhan had become a Purdue faculty member. The two researchers used an identical 'carbon copy' of the original test chamber designed by Taleyarkhan, and they worked under the sponsorship and direction of Lefteri Tsoukalas, head of the School of Nuclear Engineering."

[RT: The rebuttal report provides these details; the sworn affidavit of Xu details what happened when. I can transmit the formal submission of response and all relevant records from Emil Venere himself to the Inv.C. This allegation on the Press Release was made by Tsoukalas.]

[SK: Another thing I am trying to clear up is exactly who did experimental work, who did analytical work, and who did report writing with regard to the work announced in the July 2005 press release. Please help me with details on this if you can.

[RT: For the NED journal article- Experimental work (Xu); Analytical work (Xu and Revankar, then reviewed/cross-checked by A.Butt); report writing (Xu prepared the drafts and asked for review comments which were provided by myself, Colin West and Dick Lahey and later by Guenter Lohnert). Details of this are given in Xu's affidavit.]

[SK: Is a trial date set yet for your civil complaint?]

[RT: Not that I know of.]