

Utah faculty protest cold fusion dealings

- Cold fusion institute funding probed
- Fusion critics receive legal threats

Washington

FINANCIAL and legal activities at the University of Utah, involving a \$500,000 donation to the National Cold Fusion Institute (NCFI) and payments to a lawyer who sent letters to some faculty members threatening legal action on behalf of Stanley Pons and Martin Fleischmann, have brought protests even from supporters of cold fusion research. Reviews are to be made of scientific and financial activities of NCFI, which was set up last year on the University of Utah campus with \$5 million from the state of Utah.

On 29 March this year, during an NCFI conference held a year after the first cold fusion press conference, *Nature* published a paper in which Michael Salamon, a University of Utah physicist, and nine co-authors described the entirely negative results of a five-week search for nuclear evidence of fusion reactions coming from electrolytic cells in Pons' own laboratory. Five days later, on 3 April, Salamon received a letter from C. Gary Triggs, an attorney in Morganton, North Carolina, acting for Pons and Fleischmann, which declared that "the paper as published is untenable" and "should be voluntarily retracted." In his letter, which was also sent to eight of Salamon's nine co-authors, Triggs said that he had been "instructed by my clients to take whatever action is deemed appropriate to protect their legal interest and reputations".

Nature itself received a long letter from Triggs a year ago, soon after Pons and Fleischmann had been told that their initial paper presenting evidence for cold fusion was not acceptable for publication without further revision. Triggs' letter listed a number of reasons why Pons and Fleischmann were unhappy with *Nature's* decision and other actions, but after a correspondence between Triggs and *Nature's* lawyers the matter was dropped.

In his letter of 3 April to Salamon, Triggs also refers to "actions of *Nature* to sensationalize the negative results and publish the same immediately prior to the beginning of the recent conference." Triggs has, however, not written to *Nature* to say what actions he is referring to. Salamon's paper appeared during the cold fusion conference quite by coincidence, having been accepted for publication at the end of January, before *Nature* was aware of the conference.

Salamon says he undertook the investigations in Pons' laboratory at the request of the university, but that after receiving

Triggs' letter he was told that legal representation by the university "could not be guaranteed". Later he discovered that, as a state employee, he is automatically indemnified against legal costs or actions arising from official business. After consulting privately with a lawyer, he decided not to reply to Triggs' letter.

After investigations by Gary Taubes, author of *Nobel Dreams* and of a forthcoming book on cold fusion, Tim Fitzpatrick, a reporter for the *Salt Lake City Tribune*, revealed that Triggs had been paid \$68,000 by the University of Utah for work related to cold fusion patents. At this revelation, says Salamon, university faculty members "got incensed."

Their ire soon increased. Taubes and Fitzpatrick also discovered that a \$500,000 gift to NCFI, advertised to prospective investors as an anonymous donation, had in fact come from the University of Utah Research Foundation through the office of University president Chase N. Peterson. Twenty-two faculty members then signed a letter asking for a scientific

Disappearing tritium

At Texas A&M University last week, the evidence for cold fusion suffered a sudden loss. Kevin Wolf announced that his claims that some electrolytic cells had generated tritium must be withdrawn because tritium contamination had been discovered in the palladium he was using. Palladium from the same supplier was also used in some experiments done by a second Texas A&M team, led by John Bockris, and one of several claims of tritium production in experiments at Los Alamos National Laboratory (LANL) turned out to have involved palladium from Texas A&M.

Without some indication that tritium, helium, neutrons or gamma-rays are also produced, physicists have generally ascribed still-extant claims of heat production to poor measurement. Wolf, and Ed Storms and Carol Talcott at LANL, detected tritium in several experiments, and although they made no claims for heat production their results were widely cited as evidence for 'cold' nuclear processes. Bockris and his group say they have produced both heat and tritium.

Neither Bockris nor Storms and Talcott are ready to abandon all their claims for tritium production. Both groups used palladium from a variety of sources, and in the LANL experiments palladium samples were heated to drive off any absorbed tritium before experiments were done.

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review and financial audit of NCFI, and questioning whether Peterson's role in the mislabelling of the \$500,000 might warrant his resignation. Salamon also says that, due especially to the efforts of Joseph Taylor, vice-president for academic affairs, the university has now guaranteed him legal indemnification.

On 5 June, Salamon received a second letter from Triggs, apologizing for "any concerns or misconceptions" his first letter may have caused and assuring him that there was no intent "to limit in any way the lawful exercise of your academic freedom." The letter adds that Pons and Fleischmann now "intend to settle [the] dispute in the court of science through publication." But the letter repeats Triggs' earlier complaint that the publication of Salamon's paper on the opening day of the cold fusion meeting "certainly seemed" to be "another in a long series of negative acts by *Nature* to damage cold fusion in general and my clients in particular".

James Brophy, vice-president for research at the University of Utah, says that invoices from Triggs to the university show that the lawyer was paid only for patent-related work. He explains that although Triggs is not a patent lawyer, he received approval to work with Pons and Fleischmann on patent applications.

Brophy says also that Salamon "got the wrong impression" when he asked if the university would indemnify him. "The question was not asked in that way," says Brophy, explaining that because there was no lawsuit, only a letter threatening legal action, when Salamon approached the university administration, the question of indemnification "was moot".

Confusion over the origin of NCFI's "anonymous" \$500,000 gift is also understandable, says Brophy. The University of Utah Research Foundation, whose income derives in part from patent licenses and royalties, routinely makes money available to the university president's office, to be used at Peterson's discretion. In this case, says Brophy, Peterson gave the money to NCFI director Fritz Will without saying where it came from. Peterson has said there was "no intent to deceive" but admits that "in retrospect it was a mistake" not to make the money's provenance clear. On 11 June Peterson, referring to the request made to the governing boards to examine his presidency, announced that he would retire at the end of the coming academic year.

NCFI will now face two separate reviews. The university's state steering committee is to set up another committee to select panel members who will review NCFI's scientific work. Another committee will be set up to perform a fiscal audit but this, Brophy says, would have happened anyway because NCFI undergoes financial audit yearly. **David Lindley**