

Public comment

Martin Greenwald October 10, 2014

There are many issues I could raise about the panel report that was under consideration today, but since concerns over conflict of interest came to influence the development and dominate the discussion of the panel report, I'd like to focus on a question of process.

FESAC members from a number of institutions have been barred from public discussion and voting – including those from ORNL. This ruling explicitly recognizes the institutional conflict of interest. However, the panel that wrote the report contained ample and unbalanced representation from ORNL. Further, the two major new initiatives outlined in the report are closely associated with that same institution. This situation taints the entire process and calls into question the report, which is the product of that process.

This situation is not the fault of the panel members, but rather the process that led to their selection and the rejection of others. And I certainly don't mean to impugn the motives or ethics of any particular members. The issue is rather one of consistency and fairness.

Past practice on FESAC and other Advisory committees was to balance rather than exclude all interests. This provided the expertise necessary for the tasks that the panels were charged with. (I note that a recent HEPAP panel, that was considering an extension of Tevatron operations, had members from its home institution, FNAL, as well as members from labs and universities that were home to major collaborations on the FNAL facility as well as it's "rival" at CERN.)

Since the views of lawyers seem to be front and center, perhaps a legal analogy is appropriate. If the inconsistency in the application of rules came before a judge, I'd imagine that the report would be seen as a product of a "poisoned well" and the case would be ended in a mistrial.