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## Global Warming Fraud?

by [Joseph A. D'Agostino](#)  
06/09/2010

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When hackers released thousands of documents generated by climate scientists at the highly influential Climatic Research Unit at Britain's University of East Anglia last year, much evidence of fraud, dishonesty and mistakes in support of the theory of man-made global warming came to public light.

Some of the e-mails that climate scientists sent to one another were breathtaking in their contempt for science and their slavish devotion to the climate-change political agenda pushed by the politicians and government bureaucrats funding their research.

Now, new Virginia Atty. Gen. Ken Cuccinelli (R.) could unearth a similar bonanza of evidence of scientific global-warming fraud here in the United States using the Virginia Fraud Against Taxpayers Act (FATA).

On April 23, the Virginia attorney general's office issued a Civil Investigative Demand (CID) to the University of Virginia (UVA) in connection with climate research performed there by global-warming advocate Dr. Michael Mann from 1999 to 2005.

Mann, now at Penn State, was a co-author of the infamous "hockey stick" graph that greatly exaggerated a warming trend in recent decades (a trend that came to an end more than a decade ago, by the way).

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One of the e-mails released by hackers referred to a "trick" attributed to Mann that was used to "hide the decline" in temperatures during a crucial time period for global-warming theorists.

The broad CID requires UVA to produce materials that Mann "created, presented or made in connection with or related to" five grants that funded his research while at Virginia's leading academic institution. Perhaps because of the damning e-mails among scientists unearthed by the those who hacked into East Anglia, the CID wants "all documents that constitute or are in any way related to correspondence, messages or e-mails sent to or received by Dr. Michael Mann from any of the following persons," followed by a long list of scientists.

Reviews of Mann's work have already been conducted and found no fraud or major errors, but those reviews were done by internal Penn State auditors without the incentives or governmental powers to pursue Mann's research methods aggressively.

But UVA doesn't want to comply with Cuccinelli's CID. Though normally a representative of the state, the attorney general also serves as UVA's lawyer. The historic institution, founded by Thomas Jefferson in 1819, hired a Washington, D.C., law firm to defend itself against its own attorney.

On May 27, the deadline for producing the documents demanded by Cuccinelli, UVA filed a court petition to set aside the CID. UVA President John T. Casteen III said that Cuccinelli's investigation "has sent a chill through the Commonwealth's colleges and universities—a chill that has reached across the country and attracted the attention of all of higher education." University Rector John O. Wynne found that not only was academic freedom at stake, but that this broad investigation into the possible fraudulent use of government money threatened the totality of the American fabric of civil liberties.

"We are fighting for preservation of the basic principles on which our country was founded," Wynne said. Though perhaps Wynne was overstating his case, UVA can point out that it has not been dogmatic on the global-warming question: Climate change skeptic Patrick Michaels headed the state climatological research office at the university until 2007. Michaels is now at the Cato Institute.

Cuccinelli spokesman Brian Gottstein said May 27 that the attorney general's office would have no further comment on the investigation until "we have time to review" UVA's petition. In a May 19 statement, Cuccinelli's office said, "The revelations of Climategate indicate that some climate data may have been deliberately manipulated to arrive at pre-set conclusions. The use of manipulated data to apply for taxpayer-funded research grants in Virginia is potentially fraud. Given this, the only prudent thing to do was to look into it."

Yet some argue that the use of taxpayer dollars to perpetuate scientific fraud should be legally unpunishable. In an article on Cuccinelli's investigation and the ill-defined legal concept of "academic freedom" posted June 1 and co-authored by Slate columnist Dahlia Lithwick (who is based in Charlottesville, UVA's home) and UVA Law Prof. Richard Schragger, the two claim, "It may be that what academics say is wrong, it may be that their methodologies are faulty, it may even be that they are twisting the evidence or making stuff up. But the government, through its prosecutors, cannot say anything about that. The 1st Amendment requires that we tolerate lots of speech that is plain wrong or mistaken—the university itself is designed to permit, even encourage, that kind of speech."

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Though such an argument may have limited appeal outside of the academy, a letter sent by a broad cross-section of UVA law professors (including Schragger) to Wynne raises some good libertarian concerns about Cuccinelli's very broad CID, concerns even echoed by some climate change-skeptics, including several academics and Reason magazine.

"The CID is an effective tool of intimidation because it appears not to require the attorney general to make any factual showing of the need for its issuance," said the professors in their May 18 letter. "Indeed, to our knowledge the attorney general has not made any such showing in this case. No lawsuit has been filed or prosecution initiated."

Indeed, UVA's court petition asking that Cuccinelli's CID be set aside notes that it fails to identify the basis of the conduct that prompted the CID in the first place (for example, the hacked British e-mail referring to Mann's alleged trick is not mentioned) and that its "sweeping scope" could burden and embarrass Mann and his correspondents. (It's easy to imagine how long it would take to gather all the documents requested and much of the correspondence involved could contain personal information as well as false speculative theories never meant for public advocacy.)

Whatever the concerns about Cuccinelli's CID, people worldwide are being asked to sacrifice trillions of dollars of current and future wealth on the basis of global-warming theory. Surely, many maintain, that justifies demands that publicly funded researchers be as transparent as possible.

As Dr. Peter Wood, president of the conservative National Association of Scholars, has said, "Surely Mann's publicly funded research should be subject to some sort of external review. Mann gladly accepted government funding and evidence has continued to mount that not only was some of his scientific work suspect but that the normal checks and balances of peer review were compromised. Moreover, Mann himself appears to have had a hand in fostering those compromises, as in his notorious 'trick' to disguise data that didn't match an interpretation he hoped to promote... I am cautiously in favor of Cuccinelli's review of Mann's work."

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*Mr. D'Agostino, former associate editor of HUMAN EVENTS, is vice president for Communications at the Population Research Institute.*

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"Mann gladly accepted government funding and evidence has continued to mount that not only was some of his scientific work suspect but that the normal checks and balances of peer review were compromised."

Sounds a lot like fraud. If you do that to an insurance company you go to jail.

**Harlequin**, Reality

Jun 09, 2010 @ 07:57 AM

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"It may be that what academics say is wrong, it may be that their methodologies are faulty, it may even be that they are twisting the evidence or making stuff up. But the government, through its prosecutors, cannot say anything about that. The 1st Amendment requires that we tolerate lots of speech that is plain wrong or mistaken. The university itself is designed to permit, even encourage, that kind of speech."

Since when did lying constitute "free speech"?

**George**, Pearland, TX

Jun 09, 2010 @ 09:02 AM

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Global warming ""FrauD ", IS CAUSED BY Goofy Gore and 0 BOMBUS AND ALL THE HOT AIR COMING OUT OF THEIR LYING LIBERAL MOUTHS.

**Lying** , liberals and fraud.

Jun 09, 2010 @ 09:32 AM

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ObamaCare lawsuit news: Virginia Atty. Gen. Cuccinelli says Fed can't compel citizens to buy insurance.

See ConservativeStates.com

**Sharon**, NV

Jun 09, 2010 @ 10:09 AM

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The hubris of UVA (and practically all other universities) is breathtaking.

Academic freedom is one of those urban myths created by professors to protect professors. To pretend that professors, students, and college administrators have some sort of code of honor to practice a pure form of academic freedom is laughable.

Ever wonder why teachers and professors have tenure that protects them from being fired under virtually anything short of murder in the first? Yep, academic freedom. See how it works?

Right, I saw what passes for academic freedom when I went to college. I didn't have any problem with what the professors taught--socialism, communism, liberalism, progressivism, etc. It's always good to have a diverse education. It was they didn't teach that was most disturbing. It was all liberal all the time. In four years, I doubt that a substantive conservative view was ever offered. As a conservative, I'm sure I would have recognized it when I heard it.

The college experience was valuable, but the balance in my education was solely dependent upon me doing extra reading and research. If I wanted information another view of the world, I had to find it myself.

And besides, just as freedom of speech has restrictions, so should academic freedom. Using the taxpayer's hard earned money to conduct research that includes lying, fraud, unethical practices, and other crimes should not be tolerated. The public has a right to be assured its money is being used productively.

UAV has opted for the chicken or egg defense. Because of academic freedom you can't see any of our documents and because you can't review the documents, then you have no basis to suspect wrong-doing.

Essentially, they have adopted the same sunshine policies of Dr. Phil Jones and the University of East Anglica--no, you can have access to our documents even if we are in violation of FOIA--and besides, we threw it all in the trash so there is nothing to see here.

I'd be keeping an eye on the dumpsters outside the research building.

**BMF**

Jun 09, 2010 @ 11:45 AM

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"It may be that what academics say is wrong, it may be that their methodologies are faulty, it may even be that they are twisting the evidence or making stuff up. But the government, through its prosecutors, cannot say anything about that. The 1st Amendment requires that we tolerate lots of speech that is plain wrong or mistaken. The university itself is designed to permit, even encourage, that kind of speech."

No wonder our educational system in America is so weak. We're so busy giving lies and half-truths the same weight as facts and truth that we cannot make up our minds about what to do in any subject. No wonder that we all look like partisans who will never agree. Why can't the schools just stick to teaching facts, so that we can all start from the same true basis and figure out solutions to problems from such a basis? People will say, "Oh, but you need to teach people how to think." Well, the thinking process starts with fact, and goes on from there. If you start wrong, you'll end up wrong.

Bill, NC

Jun 09, 2010 @ 12:08 PM

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"The 1st Amendment requires that we tolerate lots of speech that is plain wrong or mistaken. The university itself is designed to permit, even encourage, that kind of speech."

A nifty trick. The University argues as if all we're talking about here is some classroom discussion that remained confined to the University itself.

They proceed by totally ignoring the fact that "global warming" is now public policy, it has escaped the bounds of the university. It is politics, now, potentially subjecting the American people to trillions in damages and lost personal wealth.

So that a professor could be enriched, and invited to the right parties.

Truncheon, Paradise

Jun 09, 2010 @ 12:38 PM

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