

# People's Pundit Daily

## **Sue-Happy Global Warming Alarmist Targets Think-Tank For Debunking His Data**

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More than half of the country says the argument over global warming is still ongoing and, science itself, is a systematic study of the structure and behavior of the physical and natural world through observation and experiment. To hold true to its very nature, those who study scientific theories much always challenge what one day may be referred to as settled science.

In many ways, freedom of speech protected in the First Amendment has allowed scientific research to thrive in the U.S., as the stifling of new and radical ideas are intolerable to our very principles. Yet, Pennsylvania State University professor Dr. Michael Mann, a supporter of global warming, is well-known for suing groups that challenge his controversial scientific methods aimed to prove manmade global warming.

In 2013, Intergovernmental Panel on Climate Change argued that it is “extremely likely” that humans are the primary cause of global warming. The wording was stronger than the “very likely” assessment from the IPCC’s last climate change report released in 2007. However, it wasn’t swallowed without challenge.

In their response, Patrick Michaels and Chip Knappenberger of the Cato Institute, said the IPCC’s contradictory statements show an “embarrassing lack of internal inconsistency,” and failed to consider “the discrepancy between the observed effectiveness of greenhouse gases in warming the earth and this effectiveness calculated by the climate models that the IPCC uses to project future climate change.”

Michaels and Knappenberger argued that the IPCC declined to account for deviations between climate impacts predicted by IPCC models and actual temperature increases. IPCC models have also come under fire for their failure to explain an ongoing pause in the rise of global temperatures, which in reality, have remained flat for approximately 15 years, while the global warming argument has been evolving for well over 40 years.

Dr. Mann’s decision to sue the Competitive Enterprise Institute, National Review, Mark Steyn and others that oppose his methodologies, makes him more a petulant child than a scientist. Mann seemingly forgets positive role the First Amendment and freedom of speech has had on science.

The Reporters Committee for the Freedom of the Press with 26 other groups filed an amicus curiae with the D.C. Court of Appeals. An amicus curiae is a brief submitted to a court to raise additional points of view to sway a court's decision.

“While Mann essentially claims that he can silence critics because he is ‘right,’ the judicial system should not be the arbiter of either scientific truth or correct public policy,” the brief states, adding that “a participant in the ‘rough-and-tumble’ of public debate should not be able to use a lawsuit like this to silence his critics, regardless of whether one agrees with Mann or defendants.”

The suit was originally filed when the Competitive Enterprise Institutes (CEI) Rand Simberg referenced Mann as “the Jerry Sandusky of climate science” and that Mann “molested and tortured data in the service of politicized science.”

CEI eventually did retract the statements, but not National Review's Mark Steyn, who elaborated and called Mann's research fraudulent.

Mann responded by suing CEI, National Review and each of the authors of the pieces.

Even though Mann has sued in the past unimpeded, the unlikely coalition is putting their foot down on this one. The Cato Institute, Reason Foundation, Individual Rights Foundation and the Goldwater Institute all rushed to the defense of those sued by Mann, with each filing their own brief in support of CEI and National Review.

“Public figures must not be allowed to use the courts to muzzle their critics,” Cato's Ilya Shapiro wrote earlier this week.

Shapiro, and the Cato Institute in general, argue that under the First Amendment, there must be room for “the marketplace of ideas to operate.” Shapiro warned that the court would, essentially, be judging whether the defendants' opinions are false by sizing them up with much-disputed EPA findings.

“The point in this appeal is that courts should not be coming up with new terms like ‘scientific fraud’ to squeeze debate over issues impacting government policy into ordinary tort law,” Shapiro said. “Dr. Mann is not like a corner butcher falsely accused of putting his thumb on the scale or mixing horsemeat into the ground beef. He is a vocal leader in a school of scientific thought that has had major impact on government policies.”

Unbelievably, a D.C. court in July dismissed the defendants' arguments holding the statements made against Mann were protected under the First Amendment. The court went one step further in their ruling, claiming that there was enough evidence of “actual malice” for the suit to go forward.

CEI's attorney Sam Kazman pointed out that “all Americans engaged in public debate and discourse on contentious political issues will be affected by the outcome of our case.”

In July, the Virginia Supreme Court ordered that the Energy and Environmental Legal Institute pay Mann and the University of Virginia – where Mann had previously worked – \$250 in damages.

The Energy and Environmental Legal Institute had wanted to get Mann's records as part of a campaign to disprove his research on climate change. The court ruled that Mann's unpublished research, which included emails about global warming, were exempt from the Virginia Freedom of Information Act.