



Free Speech Groups Defend Climate Debate

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Several media and civil rights groups are aiding the Competitive Enterprise Institute, National Review, and two individual commentators after Pennsylvania State University Meteorology professor Michael Mann sued CEI and National Review for what Mann claims were libelous comments.

Liberals, Others Support Defendants

On August 11, the Reporters Committee for the Freedom of the Press and 26 other groups, including the ACLU, Bloomberg, and Fox News, filed “friend of the court” briefs in support of the defendants.

The Cato Institute, Goldwater Institute, Individual Rights Foundation, and the Reason Foundation filed a separate brief on behalf of CEI and National Review.

Protecting the First Amendment

Sam Kazman, general counsel for the Competitive Enterprise Institute, says the First Amendment is a prominent issue in this case.

“We think the law is pretty straightforward. We think the two lower court judges applied an incorrect legal standard, and I think the fact that we got so many First Amendment and freedom of speech groups supporting us . . . indicate the importance of this issue,” Kazman said.

The lawsuit concerns a statement in a July 2012 CEI blog post titled “The Other Scandal in Unhappy Valley.”

Mann is known for a controversial “hockey stick” temperature graph featured prominently in the United Nations Intergovernmental Panel on Climate Change’s Third Assessment Report in 2001. Under heavy criticism, the hockey stick graph was dropped from IPCC’s Fourth Assessment report.

Lawsuit History

In August 2012 an attorney representing Mann demanded CEI retract and apologize for the post, stating his intention "to pursue all appropriate legal remedies on behalf of Dr. Mann."

CEI removed the statement in question, but not before National Review writer Mark Steyn linked to the post and called Mann's research fraudulent. FOX News reported the deleted statement, which referred to Mann as "the Jerry Sandusky of climate science" because he "molested and tortured data in the service of politicized science."

In July of this year, a District of Columbia trial court dismissed efforts by the defendants to have the lawsuit dropped.

Marketplace of Ideas Must Operate

Ilya Shapiro, a senior fellow in constitutional studies at the Cato Institute, released a statement arguing the First Amendment would be violated if Mann's lawsuit prevails. Shapiro said the First Amendment allows room "for the marketplace of ideas to operate," particularly regarding scientific progress.

"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 wrote.