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Scientists shouldn't silence the skeptics

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Science is a rough-and-tumble sport; underneath its genteel veneer of peer-reviewed articles and conferences, scientists challenge each other's most basic assumptions and compete for glory with gusto and glee.

It's been that way since Isaac Newton and Gottfried Leibniz quarreled over who "invented" calculus. Late in his life, Newton explained his part in the controversy by writing to a friend, "I have never grasped at fame among foreign nations, but I am very desirous to preserve my character for honesty."

Those are the motives claimed by modern scientist Michael Mann, who is suing a think tank, a magazine and some columnists, who he says libeled him by casting doubt on his global warming claims.

But the truth is that Mann and others simply want to silence skeptics.

"In response to some scathing criticism of his methodologies and an allegation of scientific misconduct, the author of the infamous 'hockey stick' models of global warming — because they resemble the shape of a hockey stick, with temperatures rising drastically beginning in the 1900s — has taken the global climate change debate to a record low by suing the Competitive Enterprise Institute, National Review, and two individual commentators," explains the Cato Institute's Ilya Shapiro. "The good Dr. Mann claims that some blogposts alleging his work to be 'fraudulent' and 'intellectually bogus' were libelous."

So far, the court's findings show a disturbing trend.

"The D.C. trial court rejected the defendants' motion to dismiss this lawsuit, holding that their criticism could be taken as a provably false assertion of fact because the EPA, among other bodies, have approved of Mann's methodologies," Shapiro notes. "In essence, the court seems to cite a consensus as a means of censoring a minority view."

We've heard that before, from the president who says the "debate is over," to some media outlets that no longer give voice to skeptics.

But the First Amendment is linked to good science, as Shapiro contends. Skepticism is the soul of science, and the "consensus" should always be challenged.

As Cato argues in a brief to the D.C. appeals court, “the First Amendment demands that failing to leave room for the marketplace of ideas to operate stifles academic and scientific progress, and that judges are ill-suited to officiate policy disputes — as history has shown time and again.”

Dr. Mann should toughen up and face his critics with better facts and theories, if he has them. That’s the way scientific disputes are settled. Scientists rightly defied the Catholic Church when it defended Aristotelian cosmology over observable evidence; scientists must not repeat the sin with their own legal inquisitions.

Cato adds that political questions should be decided this way, as well.

Effective public discourse relies on a free marketplace of ideas, whether or not those in power happen to like those ideas.

“Public figures must not be allowed to use the courts to muzzle their critics,” Shapiro says. “Instead, as the U.S. Supreme Court has repeatedly taught, open public debate resolves these sorts of disputes.”

The D.C. appeals court should side with science, not with silence.