

NATIONAL REVIEW

Time to Mann Up

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Here we are, in year nine of climate scientist Michael Mann's lawsuit against National Review, with no end in sight, with the dollars continuing to drain from our account, and with help nowhere on the horizon.

Except, that is, from *you*. Now, as you have so many times before, we hope that you will help us stay afloat. Our current webathon seeks to raise \$250,000, and more if possible, to offset some of those lawsuit costs, which come on top of the inherent financial stresses of consequential opinion journalism. This campaign runs through March 29.

Morally, and legally, *Mann v. National Review* is not a difficult case. Mann's aims are totalitarian, his brief is nonexistent, and he sits squarely on the wrong side of the law. If the system were expedient, this would all have been over within a year — dismissed under the anti-SLAPP statute that was designed to prevent precisely this sort of nonsense, and, if not, then under the First Amendment's broad protections of political debate. But the system has *not* been expedient, and, as a result, Mann has been handed the dual weapons of time and inertia — which, when combined, have accorded him an advantage he has used to great effect. So on it goes, without resolve. A decade of harassment because a thin-skinned man disliked a couple of blog posts.

As was made clear in the correspondence we unearthed during discovery, the aim of Mann's lawsuit is to destroy us. At the outset, he wrote unequivocally to a friend that he had detected the “possibility that I can ruin National Review,” and then confirmed that he intended to do just that. Thus far, he has not succeeded. But, alas, that is not the same thing as saying that he has done no harm. Time, as the old saying goes, is money, and *boy* has this time cost us a lot of money. In the nearly nine years since the lawsuit began, National Review has spent millions of dollars and an untold amount of effort defending itself — and yet, because the courts have sat on their hands, we have barely scratched the surface of the case itself. Some of the dollars we have spent have come from our legal insurance policy. But not all of them have, and, besides, if the case carries on for too much longer, there will be no insurance money left. This isn't law; it's attrition.

What happens if the money runs out? Well, *you* do. This week, and next, we are asking you to help us rebuff this attack against free inquiry by chipping in for our defense.

This isn't just about us. There is a good reason that National Review's position has been supported in amicus briefs by the *Washington Post*, Time Inc., the ACLU, the Electronic Frontier Foundation, and others, and that good reason is that while it is our name on this lawsuit, its effects will be felt by others, too. Indeed, as Justice Alito observed in his dissent from the

Supreme Court's denial of certiorari, the tactic Michael Mann is trying here will have deleterious effects on free speech even if National Review *succeeds*. "A journalist who prevails after trial in a defamation case," Alito wrote, "will still have been required to shoulder all the burdens of difficult litigation and may be faced with hefty attorney's fees" — a prospect that, over time, "may deter the uninhibited expression of views that would contribute to healthy public debate." It is that possibility — not just National Review's survival — that is at stake here.

But, of course, it is also National Review's survival. Grateful as we are for their support in the various particulars of the litigation, it remains the case that Michael Mann did not go after the *Washington Post* or Time Inc. or the Cato Institute. He went after us, the flagship conservative publication in the United States. Why? Because totalitarians cannot brook dissent, and because we are most definitely among the dissenters on a whole host of hot-button issues. Explaining the illiberal impulse in 1938, Winston Churchill noted that its progenitors "are afraid of words and thoughts: words spoken abroad, thoughts stirring at home." Michael Mann is afraid of our words and our thoughts — so afraid, in fact, that he wishes to throttle them. We do not intend to let this happen. We hope you don't, either.

Please stand with National Review, and sanity, and free speech, and against Michael Mann and the tyranny he represents and inflicts: [Donate here](#), and do so knowing you have our appreciation.