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UVa at center of battles over climate change

BY KARIN KAPSIDELIS Media General News Service

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The ideological battle over global warming that heated up with last fall's "Climategate" e-mail controversy has spilled over to the grounds of the University of Virginia.

At the center of the latest skirmish are two former U.Va. professors who represent opposing views on the dangers of climate change.

U.Va. has before it separate demands for information — a civil subpoena from the state attorney general and a Freedom of Information request from Greenpeace. Both resulted from the leak in November of more than a thousand e-mail messages hacked from the climate research unit of the University of East Anglia in England.

U.Va. last month filed a petition in Albemarle County Circuit Court seeking to block Attorney General Ken Cuccinelli's civil investigative demands, or CIDs, for climate research by former U.Va. professor Michael Mann.

The university has sought an extension to the FOI request that Greenpeace filed in December for information on former state climatologist Patrick J. Michaels and another retired professor, both of whom are outspoken skeptics of global warming, as is Cuccinelli.

"We have not received one document from U.Va., but we haven't dropped it," said Kert Davies, research director for Greenpeace US.

U.Va. has come under criticism by conservative groups alleging it is complying with Greenpeace's freedom of information request while fighting the attorney general's civil investigative demands.

But there are major differences in the scope of two requests.

Exemptions under the state Freedom of Information Act protect certain documents that are being sought by the

CIDs, said U.Va. spokeswoman Carol Wood.

FOI requests also cover only records and do not allow for the fact-finding “interrogatories” sought under the CIDs, she said.

While a CID is not subject to the limitations of the FOI law, there are limitations on the use of the acquired information, said Cuccinelli spokesman Brian Gottstein.

He said it offers the subject protections that the FOI law does not. Greenpeace’s FOI request covers both Michaels and retired environmental science professor S. Fred Singer, who have accused climate researchers of overstating their case.

Davies said Greenpeace’s FOI request was the direct result of media appearances by Michaels and Singer about the Climategate e-mails, which included correspondence by Mann, a prominent climate researcher now at Pennsylvania State University.

Greenpeace is seeking transparency about who is financing attempts to undermine research supporting global warming, Davies said.

Michaels and Singer are a “vigorous part of the echo chamber” that is “exaggerating the importance of these stolen e-mails,” he said.

Greenpeace is seeking a list of grants that financed research by Michaels and Singer, and their conflict-of-interest statements and disclosure forms on outside income. It also seeks their correspondence with industries such as ExxonMobil and conservative advocacy organizations, as well a correspondence that mentions topics related to climate change.

Singer has publicly criticized academia for its outcry over Cuccinelli’s action but not over the Greenpeace FOI. But until yesterday, he was not aware that Greenpeace also was seeking information on him.

Told that his name appeared on the FOI request, Singer questioned Greenpeace’s standing to seek the information but said he had no objection to U.Va. complying with the request.

“I have nothing to hide,” he said.

Michaels would not comment on the Greenpeace request.

“I’m not a legal expert on that,” said Michaels, now senior fellow in environmental studies at the Cato Institute.

Michaels, the state climatologist for 27 years, resigned in 2007 amid criticism that the utilities industry was financing his private research.

Mann also would not comment on the Greenpeace FOI and whether he saw a distinction with his own case.

He said by e-mail that he is unfamiliar with the details of the Greenpeace request, “and frankly I’m entirely focused on the attacks against me.”

He called Cuccinelli’s investigation “an abuse of power” and praised U.Va. for standing up for Thomas Jefferson’s principles “in the face of politically motivated, anti-scientific attacks.”

Mann noted that Jefferson was one of the world's first climate scientists. While at U.Va., Mann said, he and his students used Jefferson's observations for an article about weather conditions in Virginia in the late 18th century.

"Jefferson, no doubt, would be particularly horrified to see the very sort of science that he held so dear subject to attacks by politically driven ideologues who find the conclusions of scientific research to be inconvenient to the vested interests they represent," he said.

An e-mail message by Mann referring to a statistical "trick" was much publicized during Climategate, but a Penn State inquiry found no wrongdoing on his part.

"The so-called 'trick' was nothing more than a statistical method used to bring two or more different kinds of data sets together in a legitimate fashion," the inquiry report said.

Mann was cleared of three of four allegations made against him. A fourth inquiry now under way is looking at whether he deviated from accepted practices in his research.

Davies said global warming skeptics are using tactics such as Cuccinelli's CID and "paralyzing FOIs" filed with universities to thwart climate research. By seeking raw scientific data that can only be fulfilled by the researcher, the requests have the effect of stopping the academician from working, he said.

Cuccinelli's CID was filed as a result of information that surfaced in the Climategate e-mails, his spokesman has said. The attorney general is investigating whether Mann violated the Fraud Against Taxpayers Act by presenting false or misleading data related to climate change when seeking research grants.

Karin Kapsidelis writes for the Richmond Times-Dispatch.

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So ostensibly private correspondence relating to conduct that isn't alleged to be criminal can be handed over, but ostensibly private correspondence that (allegedly) relates to fraud cannot? And, oh yeah, subpoenas like these are an attempt to get climate scientists to stop their work to respond to them. Cuccinelli is perhaps the one recent politician for whom I've actually regretted voting and his intentions may not be pure, but the outcry by the University and some of its professors has been, in this case, worse. Academic freedom is not a defense to fraud, nor does it spare one the obligation to defend oneself against accusations of fraud.

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