Probe Is Beyond Bounds Of Appropriate Oversight

WASHINGTON
Here we go again. In 2006, three re- regarded scientists were subjected to an aggressive demand by policymakers for details about their personal lives after their climate studies ignited political controversy. That inquiry, disguised as a valid request to better understand taxpayer-funded research, sent a chilling message to scientists: if your findings prove unpopular, you could be in trouble.

Now, one of those same scientists and his predecessor employer — the University of Virginia — have become the targets of another costly inquiry. The probe launched by Virginia Attorney General Ken Cuccinelli goes beyond the bounds of appropriate oversight, and could threaten the free exchange of scientific findings and ideas.

Cuccinelli has demanded detailed data, computer codes, e-mails, and other correspondence exchanged from 1998 to 2005 between Michael Mann and 39 other scientists. Yet the basis for the investigation remains a mystery. Cuccinelli tells of reviewing over 200,000 pages of e-mails only to find that he has failed to reveal any clear rationale for his intrusive demands on Mann, who is now at Pennsylvania State University.

The attorney general certainly has a right to ensure the proper use of public funds. But in the absence of any clearly disclosed probable cause, it is impossible to avoid wondering whether this type of open-ended investigation springs from the same political ideology that prompted Cuccinelli to sue the U.S. Environmental Protection Agency over the regulation of greenhouse gases. Indeed, he has been quoted as saying that the UVA investigation "is being pursued with the same vigor with which Attorney General Nelson Rockefeller brought the case against the tobacco companies." On the chance that any researchers might have been "steering a course to reach a conclusion."

The problem with such speculation is that private e-mails by Mann and others, selectively leaked on the eve of the December climate summit in Copenhagen, do not reveal any scientific misconduct. Exhaustive inquiries have found no evidence that Mann had ever falsified or attempted to suppress data. Yet now, as U.S. policymakers prepare to debate a climate and energy bill, Cuccinelli is demanding more of Mann's private e-mails. It does feel a bit like a fishing expedition to potentially derail policy action.

Although climate-change skepticism continues to gain at the details of Mann's 1998 "hockey stick" graph of global temperature trends, his overall conclusions have been upheld by many subsequent analyses, including a panel of the augural National Research Council.

The scientific consensus on human-in-duced climate change has been thoroughly confirmed by hundreds of studies by other scientists using peer-reviewed modeling, ice-core data, glacier and ice-cap measurements, and more. NASA, reported earlier that 11 of 11 global temperature reconstructions have increased by 1.5 degrees Fahrenheit since 1880. If greenhouse gas levels keep rising, temperatures are expected to increase by 2.6 and 11.5 degrees Fahrenheit between 1990 and 2100, according to the Intergovernmental Panel on Climate Change.

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Lively debate among scholars is essential to scientific progress. But the public should not mistake academic disagreements over mechanisms to mean that climate change is still "debateable." It is not. Virtually every scientist and scientific organization now concurs that climate change related to human activities is underway. On May 19, the National Research Council confirmed yet again that climate change is real and being driven mostly by the burning of fossil fuels and by deforestation.

Scientific progress also rests on peer review and self-corrections. Transparency and full disclosure are keys to good science, and the scientific literature is widely available for public examination. It is therefore unclear why an assessment of this magnitude would involve seemingly baseless demands for "correspondence with scientific literature, and testimony about them.

No one claims the law doesn't apply here. With a straight face, scientists and academicians instead merely argue against applying it to them. Academic freedom apparently means taking taxpayer money free from accountability under standards applicable to the rest of us. Since when?

This inquiry derives from the late 2009, leak of e-mails, computer code, and code an-notations produced by Mann and colleagues throughout the "climate" establishment. This is known colloquially as "climategate."

Jedediahintense efforts to warp the revelations from the admissions and code annotations establish, among other things, efforts to "hide the decline" in temperatures, and patch the incomer data on the end of tree ring reconstructions despite admonition by colleagues not to do so for it was improper. The apparently uninterested response to evidence as a series of misinterpretations, how does the attorney general justify ignoring testimony about evidence in the public do- main?

Upon intimidation, it seems, rituals "manifest" rhetoric and straw-man ar- guments abound, including leaking about non-existent criminal fraud allegations. Cuc- cinelli has made none, and it is not challenging scientific conclusions. His policy is following the letter of a statute authorizing investiga- tion of possible fraud.

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In the face of Climategate's revelations, it seems critical to rein in all of those lining up to tax more from taxpayer monies, but pondering inappropriate activism, of those conditions. There is no other external incentive to be different. Cl-imate science, living high on public money, has proven it cannot or will not self-police. But it is our money they are playing with. The "climate" industry will last large is now spectrally funded by the taxpayer, to the tune of about $9 billion just at the U.S. fed- eral level in 2009. It is now far greater even in our public expenditures on, for example, AIDS (should AIDS researchers be subjected to the same scrutiny?), it appears. Burdened by those problems associated with other boom industries springing up almost overnight. Government abuses because certain quarters blanche at the prospect of scrutiny in the inappropriate re- sponses.

Adherence to conditions that come with public fund- ing is subject to civil en- forcement. The attorney general was, for documents, indeed the stat- ule authorizing it, put aca- demicians on notice that they should not work openly, honestly, and using the tra- ditional approach of the ob- serve the fate of the experi- ment. That is in grave doubt in the indicated possibility. It is troubling how saying so is considered unacceptable, and the name-calling against an attorney gen- eral who is operating under a unanimously endorsed act of Environmental Protection, which plainly applies, about which none previously complained.

There is one other disturbing aspect of the university's telegraphed stance. That is the troublesome and seemingly treasur- ous treatment to which it subjects academicians less politically correct than Dr. Mann. Consider former Mann colleague Dr. Pat Michaels, who as a research professor of envi- ronmental sciences drew great political and academic wrath by challenging the same political and policy agenda that Mann, champions.

In stark contrast to Mann's case, UVA has told Michaels he is now on probation even in records and e-mails to Greengate under the Freedom of Information Act. The establishment is not above being anti-Semitic.

Oddly, UVA informed Del. Bob Marshall that he could not similarly have Mann's re- cords, claiming they were destroyed by virtue of Mann having departed the university. Of course, so had Michaels. Both were in the same department. Yet Michaels' records remain, and are on their way to Greengate. A university FOIA official explained to Mi- chael that some peoples' records are treated differently.

Indeed. The university needs to sort cor- rectly, and faithfully and evenly follow all laws.