

Position Statement on Attorney General's Investigation of Dr. Michael Mann

University of Virginia Faculty Senate Executive Council

5 May 2010

As the American Association of University Professors (AAUP) has long asserted, "Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition." (*Statement of Principles on Academic Freedom and Tenure*, 1940) The AAUP assigns to university faculty a special responsibility to protect and preserve academic freedom: "As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom." (*Statement on Professional Ethics*, 1987) Academic freedom embodies the principle that scholars should be able to express their opinions and interpretations of their subject without fear of censorship, repression, or reprisal. Scholarly interpretations are vetted by the scientific community through rigorous peer review to identify and correct errors, including possible fraud. By this process, new knowledge is generated.

The Attorney General of the Commonwealth of Virginia recently launched an investigation into "possible violations" of the Virginia Fraud Against Taxpayers Act (FATA) by Dr. Michael Mann, a former professor of Environmental Sciences at the University of Virginia and currently a professor at Pennsylvania State University. The unusual Civil Investigative Demand (CID) issued by the Attorney General requires, at considerable expense to taxpayers, the compilation and submission of a large amount of material and data that Dr. Mann presented in seeking five research grants (four from federal organizations outside Virginia and one intramural) as well as data, materials, and communications that he created, presented, or made in connection with those grants. While the CID refers specifically to the provisions of FATA that pertain to financial fraud, statements attributed to the Attorney General that were published in the *Washington Post* on 4 May 2010 (posted at

<http://www.washingtonpost.com/wp-dyn/content/article/2010/05/03/AR2010050304139.html>)

coupled with the unusual and public nature of this action strongly suggest that the investigation is motivated primarily by differences of opinion regarding the scientific basis for current understanding of climate change. Other groups including the Union of Concerned Scientists

(posted at http://www.ucsusa.org/news/press_release/va-attorney-general-0382.html)

and many individual scientists around the world have expressed concerns similar to ours regarding the Attorney General's actions.

Dr. Mann is an internationally respected and highly cited climate scientist. The funding he received for his research resulted from impartial, stringent peer review by respected independent scientists under the auspices of national scientific research organizations. His research findings,

including many of those involved in this investigation, have been reported in leading scientific journals, which are themselves subject to additional exacting review by the scientific community prior to publication. Dr. Mann's research findings were reported in the 2007 assessment by the United Nations (UN) Intergovernmental Panel on Climate Change (IPCC, posted at <http://www.ipcc.ch/>). Prior to publication, this comprehensive assessment was reviewed by hundreds of the world's leading climate researchers representing a broad range of scientific opinion. Before its release, the assessment was also reviewed and approved by all UN member nations, including the United States.

We maintain that peer review by the scientific community is the appropriate means by which to identify error in the generation, presentation and interpretation of scientific data. The Attorney General's use of his power to issue a CID under the provisions of Virginia's FATA is an inappropriate way to engage with the process of scientific inquiry. His action and the potential threat of legal prosecution of scientific endeavor that has satisfied peer-review standards send a chilling message to scientists engaged in basic research involving Earth's climate and indeed to scholars in any discipline. Such actions directly threaten academic freedom and, thus, our ability to generate the knowledge upon which informed public policy relies.

Ann B. Hamric, Chair
University of Virginia Faculty Senate