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July 23, 2012

VIA E-MAIL AND CERTIFIED MAIL

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Jack Fowler
Publisher
The National Review
215 Lexington Avenue
New York, New York 10016
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Dear Mr. Fowler:

The purpose of this letter is to put you on formal notice of the defamatory content of a recent article that was published on your website, National Review Online, regarding my client Michael Mann, and to demand a retraction and an apology. We also demand that the publication be removed immediately.

A copy of the defamatory publication is attached to this letter. It is entitled "Football and Hockey," and was authored by an individual named Mark Steyn. The article makes the false allegation that Dr. Mann has engaged in academic fraud, an allegation which, of course, is defamatory per se. Specifically, the publication states that Dr. Mann "was the man behind the fraudulent climate-change "hockey-stick" graph, the very ringmaster of the tree-ring circus."

Your allegation of academic fraud is false, and was clearly made with the knowledge that it was false. It is well known in the scientific community, and certainly well known to you and Mr. Steyn, that there have been numerous investigations into the issue of academic fraud in the wake of the disclosure of certain e-mails from the Climatic Research Unit of the University of East Anglia, and that every one of these investigations has concluded that there is no basis to these allegations and no evidence of any academic fraud. To wit:

1. In February 2010, the Pennsylvania State University released an Inquiry Report which found that "there exists no credible evidence that Dr. Mann had or has ever engaged in, or participated in, directly or indirectly, any actions with an intent to suppress or to falsify data."

2. In March 2010, the House of Commons Science and Technology Committee of the United Kingdom published a report finding that the criticisms of the Climate Research Unit were misplaced and that its actions “were in line with common practice in the climate science community.”

3. In April 2010, the University of East Anglia set up a Scientific Assessment Panel, in consultation with the Royal Society and chaired by Professor Ron Oxburgh. The report of the panel assessed the integrity of the research published by the Climatic Research Unit and found “no evidence of any deliberate scientific malpractice in any of the work of the Climatic Research Unit.”

4. In June 2010, the Pennsylvania State University published their Final Investigation Report, determining “there is no substance to the allegation against Dr. Michael E. Mann.”

5. In July 2010, the University of East Anglia published the Independent Climate Change Email Review report. They examined whether manipulation or suppression of data occurred and concluded that “the scientists’ rigor and honesty are not in doubt.”

6. In July 2010, the U.S. Environmental Protection Agency investigated certain emails that supposedly formed the basis of the allegations against Dr. Mann and “found this was simply a candid discussion of scientists working through issues that arise in compiling and presenting large complex data sets.”

7. In September 2010, the United Kingdom government responded to the House of Commons Science and Technology Committee report, chaired by Sir Muir Russell. On the allegation of attempting to corrupt the peer-review process, they found that the “evidence that we have seen does not suggest that Professor Jones (of the Climatic Research Unit) was trying to subvert the peer review process. Academics should not be criticized for making informal comments on academic papers.”

8. In February 2011, the Department of Commerce Inspector General conducted an independent review of the emails and found “no evidence in the CRU emails that NOAA inappropriately manipulated data.”

9. In August 2011, the National Science Foundation, performing a follow-up independent review of charges of misconduct against Dr. Mann, found no research misconduct or other matter raised by the various regulations and laws discussed above. The NSF further stated that the case against Dr. Mann was closed.

Yet despite the fact that the case against Dr. Mann has been thoroughly investigated—and closed—your article nevertheless accuses him of academic fraud. And further, you draw the insidious comparison between Dr. Mann and Jerry Sandusky, who as you point out, was recently convicted of child molestation. This reference is simply outrageous, and clearly subjects your publication to a claim of intentional infliction of emotional distress.

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Needless to say, we intend to pursue all appropriate legal remedies on behalf of Dr. Mann. We further demand that you take all steps to preserve any and all documents related to these publications and to Dr. Mann. Finally, we reiterate our demand that this defamatory article be immediately removed from further publication, and that you issue a retraction of this article and an apology to Dr. Mann.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'JBW', followed by a horizontal line extending to the right.

JOHN B. WILLIAMS

Enclosure

cc: Michael E. Mann

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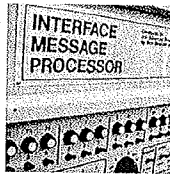
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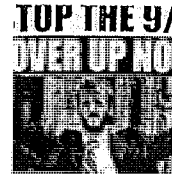
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Football and Hockey

By Mark Steyn
July 15, 2012 6:22 P.M.

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In the wake of Louis Freeh's report on Penn State's complicity in serial rape, Rand Simberg writes of Unhappy Valley's other scandal:

I'm referring to another cover up and whitewash that occurred there two years ago, before we learned how rotten and corrupt the culture at the university was. But now that we know how bad it was, perhaps it's time that we revisit the Michael Mann affair, particularly given how much we've also learned about his and others' hockey-

stick deceptions since. Mann could be said to be the Jerry Sandusky of climate science, except that instead of molesting children, he has molested and tortured data in the service of politicized science that could have dire economic consequences for the nation and planet.

Not sure I'd have extended that metaphor all the way into the locker-room showers with quite the zeal Mr Simberg does, but he has a point. Michael Mann was the man behind the fraudulent climate-change "hockey-stick" graph, the very ringmaster of the tree-ring circus. And, when the East Anglia emails came out, Penn State felt obliged to "investigate" Professor Mann. Graham Spanier, the Penn State president forced to resign over Sandusky, was the same cove who investigated Mann. And, as with Sandusky and Paterno, the college declined to find one of its star names guilty of any wrongdoing.

If an institution is prepared to cover up systemic statutory rape of minors, what won't it cover up? Whether or not he's "the Jerry Sandusky of climate change", he remains the Michael Mann of climate change, in part because his "investigation" by a deeply corrupt administration was a joke.

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