

ATI Praises VA House Passage of Strengthened FOIA Law

ATI

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The American Tradition Institute today praised yesterday's passage of a stronger Freedom of Information Act law in the Commonwealth of Virginia's House of Delegates, after the University of Virginia had previously misled a House member about the existence of records pertaining to former UVA climate scientist Michael Mann.

Delegate Robert Marshall, who recently joined ATI Environmental Law Center senior director of litigation Christopher Horner and Virginia resident David Schnare in a FOIA request of UVA's records on Mann, had previously been denied by the university in a request of his own. Marshall sponsored the bill, which passed the House in a 95-3 vote. The legislation doubles the civil penalty for failure to comply with the law; previously violators could be assessed between \$250 and \$1,000, but under Marshall's bill the fines would be between \$500 and \$2,000. The Virginia Senate will now consider the proposed changes.

"We simply cannot tolerate a situation like the UVA. FOIA officials told me that no documents existed," Del. Marshall [told Virginia Statehouse News](#). "This bill sends a message that the House of Delegates does not think that the prior penalty was sufficient."

On Jan. 6 ATI's Environmental Law Center requested from UVA emails and other documents related to claims made by Dr. Mann to obtain, and claim payment under, certain taxpayer-funded grants. Mann, currently at Pennsylvania State University, worked at the UVA's Department of Environmental Sciences when he produced what was hailed at the time as the 'smoking gun' affirming the theory of catastrophic man-made global warming.

In response to Del. Marshall's previous FOIA request, UVA had denied these records existed. But during the course of Attorney General Ken Cuccinelli's pre-investigation under the Virginia Fraud Against Taxpayers Act ("FATA"), UVA dropped that stance. Court records reveal that counsel for the University has indicated instead that the Mann-related records do in fact exist, on a backup server. However, now UVA is in delay mode in response to ATI's FOIA request.

"Public servants need to understand that the records in their custody belong to taxpayers, not to themselves," said Paul Chesser, executive director of ATI. "Let's hope this legislation is passed so that deception and disrespect of an elected official, and abuse of public information laws, will incur a harsher penalty."

See ATI's Virginia Freedom of Information Act request for Michael Mann's records at University of Virginia ([PDF](#))

See ATI's Virginia Freedom of Information Act request for donor records of University of Virginia for response to Attorney General Kenneth Cuccinelli's investigation ([PDF](#))

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