

Virginia university releases correspondence of professor involved in ‘Hockey Stick’ controversy

ATI

Silence from pressure groups deafening; media joins hypocrisy

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Contacts:

Christopher Horner, chris.horner@atinstitute.org

Paul Chesser, paul.chesser@atinstitute.org

American Tradition Institute’s Environmental Law Center has learned that George Mason University, in response to a Freedom of Information Act (FOIA) request from *USA Today*, [promptly released](#) an academic’s correspondence and related records of the same class as those sought by ATI from the University of Virginia regarding former assistant professor Michael Mann. This provides a new complication for UVA’s argument that its delay and withholding of records are consistent with practice and the Commonwealth’s FOI Act, regarding ATI’s long-stalled (more than 4 ½ months) [request](#).

The distinctions between how these two universities responded are inescapable, and paint UVA’s continued [reticence](#) in a very bad light. First, in response to requests for records of like kind and quality, one state institution – GMU – promptly and cooperatively executed its obligations under FOIA, providing approximately 3,000 pages of responsive records to *USA Today* within 14 days, without charge. Meanwhile the other, UVA, failed to produce records for months; refused to abide by a reasonable production schedule; claimed exemptions in the FOIA law that do not apply to Mann’s case; and imposed on ATI a financial hurdle of thousands of dollars. UVA only started providing records after ATI [sued for compliance](#).

Second, the subject of the request to UVA, Michael Mann, is a leading voice in the global warming grant-seeking and policy advocacy industry. In contrast the subject of the GMU request is Edward Wegman, who co-authored a report at Congress’s request that exposed the statistical methods employed (and ignored) by Mann, et al. The report also revealed how a small group of related professionals have turned peer-review in climate science into an almost meaningless and sometimes perverse “pal review.”

ATI learned of this troubling disparity through another [request for records](#), after a review of national news stories that addressed Wegman’s records. Unlike ATI’s FOIA, the GMU inquiry prompted no outcry from groups such as the ACLU, American Association of University Professors (AAUP), and American Association for the Advancement of Science (AAAS), all which [claimed to be outraged](#) out of principle at the prospect of the release of similar records for Mann.

ATI requested from GMU [copies of potential correspondence](#) from ACLU, AAUP, or AAAS regarding the Wegman case, to determine whether the activist groups had lodged similar complaints about the release of Wegman’s records. GMU informed ATI [that no such records existed](#).

"All of this affirms the hypocrisy of claimed outrage over the application of Virginia's FOIA to the records we seek from UVA," said Christopher Horner, director of litigation for ATI's Environmental Law Center. "Obviously UVA and these intervening groups believe FOIA is uniquely designed to allow the selective shielding of records, ones the global warming industry deems *ad hoc* must be kept from the public at all costs."

After an inquiry by a *Washington Post* editorial writer, ATI fully briefed him on the law's letter, spirit and typical implementation as evidenced by GMU's records release – and that no activists took issue with that Virginia university releasing the records of the less politically correct. But the *Post* had no interest in the relevant facts, or in their own double standard, as was illustrated in [an editorial](#) published on Memorial Day in which the newspaper criticized ATI's supposed "misuse" of FOIA and "harassment" of climate change researchers.

Last week ATI's request for Mann's records went before a Prince William County judge, who [ordered](#) that UVA provide the taxpayer-underwritten records to ATI in electronic form within 90 days. In addition ATI has won the right, under [a protective order](#), to look at all the documents beginning no later than September 21, including those the University refuses to make public via claimed exemptions.

"Our claim is about nothing more than execution of the FOIA law as written, and as it has been applied elsewhere," said David Schnare, director of ATI's Environmental Law Center. "UVA must soon defend its decision to keep the public in the dark. It may want to take a hard look at what GMU released as they set one standard of performance the public now expects UVA to meet."

To view all documents and media coverage of ATI v. University of Virginia, visit ATI's special Law Center [page for the case](#).

For an interview with American Tradition Institute senior director of litigation Christopher Horner, email chris.horner@atinstitute.org or call (202)670-2680.