

## C. THE LACK OF OBJECTIVITY & THE SUPPRESSION OF DISSENT

### 1. THE ABUSE OF THE PEER REVIEW PROCESS

In response to public concerns that the IPCC's authors "all share the same views . . . and that alternative perspectives were not incorporated into the process,"<sup>131</sup> EPA claimed that "there is no evidence provided that supports the claim that collaboration among a small number of authors prevented the incorporation of a range of perspectives and alternative views or biased the conclusions."<sup>132</sup> Since the comment period for the Endangerment Finding concluded,<sup>133</sup> it has been revealed that the tight-knit group of scientists who oversaw and authored the IPCC's climate-related work were involved in a calculated effort to undermine core tenants of scientific objectivity, impartiality, transparency, and accuracy. These revelations disprove EPA's previous claim that there was no evidence of bias among IPCC contributors.

One particularly striking email exchange revealed how Dr. Jones used the peer review process to prevent a manuscript from being published that questioned the CRU's research. In an email to Michael Mann, Dr. Jones wrote: "recently rejected two papers [one for the Journal of Geophysical Research and one for Geophysical Research Letters] from people saying CRU has it wrong over Siberia. Went to town in both reviews, hopefully successfully. If either appears I will be very surprised . . ." <sup>134</sup> The rejected paper analyzed temperature readings from Siberian weather stations and concluded that there was much less warming than Dr. Jones predicted—even though both researchers analyzed much of the same data.<sup>135</sup>

### 2. SUPPRESSING DISSENT

An email exchange between Professor Mann and Dr. Jones illustrates attempts to suppress any dissenting opinion regarding climate change. First, Dr. Jones indicates that he will no longer be associated with a particular scientific research journal, *Climate Research*, unless an editor, who Dr. Jones believed was responsible for allowing contravening research to be printed, was removed: "I will be emailing the journal to tell them I'm having nothing more to do with it until they rid themselves of this troublesome editor."<sup>136</sup>

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<sup>131</sup> (Vol I, Comment 1-20)

<sup>132</sup> (Vol I, Response 1-20)

<sup>133</sup> 74 Fed. Reg. 66,500 (Dec. 15, 2009)

<sup>134</sup> Email from Phil Jones to Michael E. Mann, March 31, 2004, available at <http://www.eastangliaemails.com/emails.php?eid=407&filename=1080742144.txt> (last visited Feb. 16, 2010).

<sup>135</sup> Fred Pearce, *Climate Change Emails Between Scientists Reveal Flaws in Peer Reviews*, THE GUARDIAN (February 2, 2010), available at <http://www.guardian.co.uk/environment/2010/feb/02/hacked-climate-emails-flaws-peer-review> (last visited Feb. 16, 2010).

<sup>136</sup> Email from Phil Jones to Michael Mann, March 11, 2004 available at <http://www.eastangliaemails.com/emails.php?eid=295&filename=1047388489.txt> (last visited Feb. 16, 2010).

The root of the climate scientists' concern with *Climate Research*'s decision to publish contravening research was two-fold. First, they opposed any research that did not comport with their views and were concerned that publishing alternative views would only give global warming skeptics greater traction. Dr. Jones wrote: "I think the skeptics will use this paper to their own ends and it will set paleo [climate science] back a number of years if it goes unchallenged."<sup>137</sup> Second, they had long maligned their skeptical opponents' positions by arguing that the opposition's research had not been published by a peer-reviewed journal—and could therefore not be trusted.

Thus, when the group learned that *Climate Research* planned to publish so-called skeptical literature, the climatologists responded less like objective scientists eager to let the science determine the answer, and more like activists working to advance their preferred result. In response to Dr. Jones's email, Professor Mann not only attacked the scientists with whom he disagreed—he attacked the journal's itself: "The skeptics appear to have staged a 'coup' at 'Climate Research' (it was a mediocre journal to begin with, but now its a mediocre journal with a definite 'purpose')."<sup>138</sup>

Then, in an email to Dr. Jones, Professor Keith Briffa, and others, Professor Mann proposed a more aggressive stance—a plan to have his fellow scientists harm *Climate Research* by refusing to submit their articles to the journal: "I think we have to stop considering 'Climate Research' as a legitimate peer-reviewed journal. Perhaps we should encourage our colleagues in the climate research community to no longer submit to, or cite papers in, this journal. We would also need to consider what we tell or request of our more reasonable colleagues who currently sit on the editorial board."<sup>139</sup>

Importantly, because of Dr. Jones's and Mann's influence and renown in their field, they had the influence to orchestrate the desired boycott. According to a former University of Virginia environmental scientist, professor Patrick J. Michaels, "After Messrs. Jones and Mann threatened a boycott of publications and reviews, half the editorial board of *Climate Research* resigned."<sup>140</sup>

The aforementioned exchange and others like it reflect a concerted effort to advance a specific scientific theory—or perhaps more appropriately a scientific *cause*—rather than to reach the objective truth. That is, the emails that have been released indicate that the

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<sup>137</sup> Email from Phil Jones to Michael Mann, Keith Briffa, et. al., March 11, 2004, *available at* <http://www.eastangliaemails.com/emails.php?eid=295&filename=1047388489.txt> (last visited Feb. 16, 2010).

<sup>138</sup> Email from Michael Mann to Phil Jones, Keith Briffa et. al., March 11, 2004, *available at* <http://www.eastangliaemails.com/emails.php?eid=295&filename=1047388489.txt> (last visited Feb. 16, 2010).

<sup>139</sup> Email from Michael E. Mann to Phil Jones, March 11, 2003, *available at* <http://www.eastangliaemails.com/emails.php?eid=295&filename=1047388489.txt> (last visited Feb. 16, 2010).

<sup>140</sup> Patrick J. Micaels, *How to Manufacture Climate Consensus*, WALL STREET JOURNAL December 17, 2009.

scientists were more concerned with advancing their agenda than with obtaining the objective results required by the OMB and EPA guidelines.

The scientists' language reflects an 'us versus them' attitude more commonly associated with legal advocacy or team sports than the scientific method. For example, waxing adversarial in a manner more commonplace in courtroom or in a sports arena, Professor Mann suggested that his team was *losing* a journal called *Global Research Letters* to the so-called 'skeptics' whom he opposed: "What a shame that would be. It's one thing to lose 'Climate Research'. [sic] We can't afford to lose GRL."<sup>141</sup>

Earlier in the same email exchange, Professors Mann and Wigley explain the circumstances that led Mann to posit that they were "*losing*" GRL. Steve McIntyre, a prominent climate change skeptic and author of the blog ClimateAudit.org, had submitted a manuscript to GRL—and the journal agreed to publish McIntyre's work, which was largely critical of Mann's research.

In response, Mann contacted GRL's editorial staff in an effort to prevent McIntyre's submission from getting published. However, Mann's efforts to exert pressure were rejected by GRL's Editor-in-Chief, who explained that McIntyre's submission would be published because it had been subjected to an "extensive and thorough review...from 3 knowledgeable scientists [and] [a]ll three reviews recommended publication."<sup>142</sup>

After learning that GRL nonetheless planned to publish McIntyre's manuscript over his objections, Mann emailed several colleagues informing them about the upcoming publication and, citing the editor who initially approved McIntyre's piece for publication, proclaimed that "the contrarians now have an 'in' with GRL."<sup>143</sup>

But perhaps the most troubling—and enlightening comment—was one from Professor Tom Wigley. In an email to his colleagues on January 20, 2005, Professor Wigley suggested they contact the GRL's publisher, the American Geophysical Union ("AGU") in an effort to have an editor fired: "This is truly awful. GRL has gone downhill rapidly in recent years. . . Proving bad behavior here is very difficult. If you think that [the objectionable editor] is in the greenhouse skeptics camp, then, if we can find documentary evidence of this, we could go through official AGU channels to get him ousted."<sup>144</sup>

Within a year it appears that Professor Wigley's goal of removing the editor who agreed to publish so-called skeptics' research was successful. On November 15, 2005, Michael Mann sent an email to Dr. Jones and Tim Osborn boasting that: "*the GRL leak may have*

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<sup>141</sup> Email from Michael Mann to Tom Wigley, January 20, 2005, *available at* <http://www.eastangliaemails.com/emails.php?eid=484> (last visited Feb. 16, 2010).

<sup>142</sup> Email from Steve Mackwell, Editor-in-Chief, Global Research Letters, to Michael E. Mann, January 20, 2005, *available at* <http://www.eastangliaemails.com/emails.php?eid=484> (last visited Feb. 16, 2010)

<sup>143</sup> Email from Michael E. Mann to Tom Wigley, Phil Jones, Keith Briffa, et. al., January 20, 2005, *available at* <http://www.eastangliaemails.com/emails.php?eid=484> (last visited Feb. 16, 2010).

<sup>144</sup> Email from Tom Wigley to Michael E. Mann, Tom Wigley, Phil Jones, Keith Briffa, et. al., January 20, 2005, *available at* <http://www.eastangliaemails.com/emails.php?eid=484> (last visited Feb. 16, 2010).

been plugged up now w/ new editorial leadership there.”<sup>145</sup> According to Professor Michaels, the offending editor was Yale University’s James Saiers, whose departure from the journal coincided with Mann, Wigley, and Dr. Jones’s plan to ‘get him ousted.’<sup>146</sup>

Clearly, these scientists’ efforts to exclude so-called skeptics’ studies from journal publication are indicative of a serious breach of objectivity and scientific propriety. And an email from Dr. Jones to Michael Mann unquestionably reveals that their improper conduct spilled over into their involvement with the IPCC and unquestionably tainted the IPCC report. Shortly after Dr. Jones and Kevin Trenberth of the National Center for Atmospheric Research were named joint lead author’s of IPCC’s Working Group I, Chapter 3, Dr. Jones emailed Mann about two Canadian researchers who questioned the veracity of man-made global warming. In that email, Dr. Jones wrote: “I can’t see either of these papers being in the next IPCC report.” Further, he said: “Kevin and I will keep them out somehow—even if we have to redefine what the peer-review literature is!”<sup>147</sup>

#### **D. CONFLICTS OF INTEREST BETWEEN THE IPCC AND SOME WHO PROFIT FROM ITS CLIMATE CHANGE CONCLUSIONS**

In response to public comments suggesting that the Administrator should have included studies that disagreed with the Endangerment Finding, EPA notes that “IPCC, USGCRP/CCSP, and NRC make considerable effort to ensure that their assessment reports reflect a balance of perspectives regarding the state of the science.”<sup>148</sup> To support that response, EPA quotes a National Academies report noting that the NRC screens all “provisional committee members . . . in writing and in a confidential group discussion about possible conflicts of interest. . . .[N]o individual can be appointed to serve (or continue to serve) on a committee of the institution used in the development of reports if the individual has a conflict of interest that is relevant to the functions to be performed.”<sup>149</sup> Thus, EPA identifies the National Academies’ prohibition on conflicts of interest as a means of ensuring that the Endangerment Finding is balanced and unbiased.

The Chair of the IPCC probably has, and certainly appears to have, several conflicts of interest.<sup>150</sup> For example, Dr. Pachauri is the director of The Energy and Resources

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<sup>145</sup> Email from Michael Mann to Phil Jones and Phil Osborn, November 15, 2005, available at: <http://www.eastangliaemails.com/emails.php?eid=591&filename=1132094873.txt> (last visited Feb. 16, 2010).

<sup>146</sup> See Patrick J. Michaels, *How to Manufacture Climate Consensus*, WALL STREET JOURNAL (December 17, 2009).

<sup>147</sup> Email from Phil Jones to Michael E. Mann, July 8, 2004, available at: <http://www.eastangliaemails.com/emails.php?eid=419&filename=1089318616.txt> (last visited Feb. 16, 2010).

<sup>148</sup> *Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act: EPA’s Response to Public Comments*, Volume I at 3.

<sup>149</sup> *Id.* (quoting *Our Study Process: Ensuring an Objective Voice*, National Academies, 2006 at 3).

<sup>150</sup> In a 2009 meeting of the IPCC Bureau (the governing body of the IPCC that provides guidance during the preparation of the IPCC assessment reports), the Chair of the IPCC, Dr. Rajendra Pachauri, “recalled the role of IPCC procedures in guaranteeing a proper code of conduct in IPCC activities. Any possible conflict of interest should be made clear at the outset of the process.” Report of the 39<sup>th</sup> Session of the