

> JURY RULES FOR CLIMATE SCIENTIST MICHAEL MANN IN LONG-RUNNING DEFAMATION CASE

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Jury rules for climate scientist Michael Mann in long-running defamation case

Verdict punishes bloggers who compared scientist's global warming work to molestation



Michael Mann (center) arriving at the Superior Court of the District of Columbia this week. His successful lawsuit is the culmination of a 12-year-long defamation case. PETE KIEHART

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BY H. HOLDEN THORP • SCIENCE • 13 FEB 2024



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A jury found today that Michael Mann, a prominent climate scientist, was defamed by the writers of two blog posts 12 years ago that compared his work on global warming to child molestation.

In ruling for Mann, the six-person jury in the Superior Court of the District of Columbia awarded Mann just \$2 in actual damages due to the defamation, but then levied a \$1 million fine against one of the defendants, Mark Steyn, a conservative author and broadcaster, for punitive damages; Rand Simberg, the other defendant, faces \$1000 in punitive damages.

The ruling is a victory for climate researchers who have been frequently attacked online over their work and especially for Mann, who has faced the brunt of it, says Lauren Kurtz, executive director of the Climate Science Legal Defense Fund. "The actual facts in this case are just so dramatic." In a statement, Mann said, "I hope this verdict sends a message that falsely attacking climate scientists is not protected speech."

At the same time, the ruling could end up having a chilling effect on necessary public criticism of science, says Gene Policinski, a senior fellow at the Freedom Forum, a nonpartisan foundation focused on First Amendment protections. People will need “to be more judicious in commentary. They might be more vague or circumspect.” And that could be to the detriment of the public, he says. “It’s important in today’s world for people to be aware of research that’s going on and having people both praise and criticize it openly.”

Mann is one of the world’s best known climate scientists. A longtime paleoclimatologist at Pennsylvania State University (Penn State) until his move, in 2022, to the University of Pennsylvania, he is a frequent source in news stories and a combative personality on [social media](#), where he regularly butts heads with those he believes are misrepresenting climate science or seeking to delay action on human-driven climate change.

At the heart of Mann’s lawsuit are two 25-year-old [scientific papers](#) that he led. The studies combined historical records with tree rings and other temperature proxies going back 1000 years to show that temperatures stayed largely flat until the past century, when they rose sharply. A key chart from the papers, dubbed the “hockey stick” because of its shape, was used in a 2001 U.N. climate report. It has remained an icon of climate science, underscoring the outsize impact of human activity on temperature. “The hockey stick is critical context for climate change that’s occurring now,” says Jessica Tierney, a paleoclimatologist at the University of Arizona.

For nearly as long as it has existed, however, Mann and his hockey stick have been besieged by criticism, scientific and otherwise. Follow-up work, some by climate contrarians, found statistical flaws in his methods. Critics also cast doubt on the whole record by noting that tree rings in the far north tracked global temperatures less faithfully after 1960. But the underlying insight held up. A consortium of other scientists, using nearly 700 proxy records, [found in 2017](#) that recent warming is unmatched in the past 2000 years. All the reconstructions, Tierney says, “show the exact same thing: The temperatures we’re experiencing today are really unprecedented.” Indeed, she says, present temperatures may now be the warmest in the past 100,000 years.

The barrage of attacks against Mann reached a peak after “climategate”: a 2009 leak of emails from the University of East Anglia. The trove included requests from fellow researchers to Mann asking that he delete emails, for fear that their discussion of methodological “tricks”—including Mann’s technique to combine historical and proxy temperature records—could be misused by opponents of climate action—as they ultimately were. Numerous institutions, including Penn State and the National Science Foundation’s [inspector general](#), investigated the leaked emails and cleared Mann of any wrongdoing, including that he did not delete emails. But he continued to face online attacks from right-wing politicians and conservative pundits.

One of those attacks was written in 2012 by Simberg, then a blogger at the Competitive Enterprise Institute, following the arrest of Penn State’s Jerry Sandusky, a serial child molester who coached football at the school. Simberg likened the case to the university’s investigation of Mann, saying Mann “molested and tortured data” to reach his conclusions on the hockey stick. Steyn then quoted Simberg’s post in a blog hosted by the National Review, calling Mann’s work “fraudulent.”

Mann fought back before and after the email leaks, often with harsh language. Correspondence revealed in the trial showed that he called one of his critics “human lth” and suggested that a retired atmospheric scientist with contrarian views advanced her early career by dating someone on the faculty. In 2011, he sued Timothy Ball, a prominent Canadian climate change doubter, for defamation after Ball accused him of scientific fraud, a case that was ultimately dismissed in 2019 by a Canadian judge because of its extensive delays. In 2012 he sued Simberg and Steyn. (Mann testified that he is not paying for his legal fees for this lawsuit, but he has not stated who is.)

In closing the case, Mann’s lawyer, John Williams, said Simberg and Steyn had shown a “reckless disregard of the truth” in making their posts, likening them to those who still deny that former President Donald Trump lost the 2020 U.S. presidential election. “We don’t know for certain why they continue to deny that in the face of overwhelming evidence to the contrary,” he said. “Is it because they truly believe it? Or is it because they know it’s false but they say it anyway to further their agenda?” Either way, he said, “Dr. Mann is tired of the attacks.”

Under U.S. law, Mann had to clear a high bar to prove defamation. He and his lawyers needed to show that the accused acted with malice and that they knowingly made false claims or showed a “reckless disregard” for the truth of their statements. The defense spent days walking the jury through critiques of Mann’s hockey stick, while stressing that Simberg fully believed the attacks he was making. “Rand is just a guy. Just a blogger. Voicing his truly held opinions on a topic he believes is important,” Victoria Weatherhead, Simberg’s lawyer, said in closing statements. “And that is an inconvenient truth for Michael Mann. But it is the truth.”

Mann’s legal team attempted to show that the blog posts had caused him emotional and financial damage, another criterion for defamation. Mann said on the stand that “he felt like a pariah.” Mann’s lawyers also showed his research grants dwindling after 2012, although they provided no evidence that the blog posts spurred this decline. Around the same time, Simberg’s lawyers noted, he published a successful book, increasing his fame and leading to lucrative speaking engagements.

Whether Simberg and Steyn will appeal the case is not clear, but some of Mann’s future plans have emerged: He will team up to write a book with Peter Hotez, a vaccine scientist and a veteran of online clashes over vaccination during the pandemic. It will be titled *Science Under Siege: The Anti-Science Forces That Threaten Humanity*. The book will argue, the [ad copy says](#), that “the deluge of attacks on issues like climate change and vaccine science is coming from the five Ps—plutocrats, pros, petrostates, pretenders, and the press.” It is, Mann wrote in a post on the social media platform X, formerly Twitter, on the day of the trial’s closing argument, “the most important book project I’ve undertaken, particularly at this moment in time.”

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