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THE THOMAS JEFFERSON INSTITUTE FOR PUBLIC POLICY

Why I Want Michael Mann's Emails

By Dr. David Schnare, PhD

Recently, *Nature Magazine* published an [editorial](#) suggesting that “access to personal correspondence is a freedom too far” and that Michael Mann, whom they favorably compare to Galileo, should have his emails, written and received while he was a young professor at the University of Virginia, protected from public release on the core basis that to do otherwise would “chill” the work of scientists and academics. I note Galileo was forced to keep his work private. Had he the opportunity, he would have published it far and wide. Mann is quite the opposite. He wants to keep secrets and let no one know what he did and how he did it.

Nature, unfamiliar with the facts, law and both academic and university policy as applies in this case, conflates too many issues and misunderstands the transparency questions we raise.

The facts of the case include that these emails are more than five years old; that they contain none of the email attachments, no computer code, no data, no draft papers, no draft reports; that the university has already released over 2,000 of them, some academic and some not; that when they were written Mann knew there was no expectation of privacy; that all emails sent or received by a federal addressee are subject to the federal FOIA, and many have already been released; and that nearly 200 of the emails the University refuses to release were released by a whistleblower in England. That latter group of emails, part of the “Climategate” release, do more than merely *suggest* Mann engaged in academic improprieties. They *show* he was a willing participant in efforts to “discriminate against or harass colleagues” and a failure to “respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own.” Other emails document Mann’s communications were not “conducted professionally and with civility.”

Thus, emails already available to the public demonstrate that Michael Mann failed to comply with the University of Virginia [Code of Ethics](#) and the American Association of University Professors [Statement on Professional Ethics](#).

A question, not mine, but asked by many who are interested in the history of this period, is not whether Mann failed to live up to the professional code expected of him. It is to what degree he failed to do so and to what lengths the university will go to hide this misbehavior. If we merely sought to expose Mann’s failure to display full academic professionalism, we would not need these emails. Those already in the public eye are more than sufficient for any such purposes.

I want those emails for a very different reason. Our law center seeks to defend good science and proper governmental behavior, and conversely to expose the converse. Without access to those kinds of emails, and, notably, research records themselves, it is not possible for anyone to adequately credit good behavior and expose bad behavior. This is one of two reasons we prosecute this case. It is the core purpose of a freedom of information act. Because the

public paid for this work and owns this university, it has not merely a right to determine whether the faculty are doing their jobs properly; it has a duty to do so. This is not about peer review; it is about citizens' acting as the sovereign and taking any appropriate step necessary to ensure those given stewardship over an arm of the Commonwealth are faithfully performing.

The second reason we bring this case is to defend science and the scientific process. Anyone who has taken a high school science laboratory course knows that the research or experimental process begins with recording what was done and what was observed. As UVA explains in its Research Policy [RES-002](#), "The retention of accurately recorded and retrievable results is of the utmost importance in the conduct of research." Why? "To enable an investigator to reproduce the steps taken."

Currently public emails show Mann was unable to provide even his close colleagues data he used in some of his papers and could not remember which data sets he used. A query to UVA shows the university, who owns "the data and notebooks resulting from sponsored research," had no copy of Mann's logbooks and never gave him permission to take them with him when he left UVA. The university refused to inquire within Mann's department as to whether anyone there knew whether he even kept a research logbook, so it's impossible for me to know whether he stole the logbook or just never prepared one in the first place.

The emails ATI seeks are all that appears to be left of a history of what he did and how. Absent access to those emails, anyone seeking to duplicate his work, using the exact same data and methods, has no way to do so. That is in direct conflict with both good science and the UVA research policy.

Nor should access to these kind of emails "chill" the academic process.

As a former academic scientist, I understand the need and desire to keep close the research work while it is underway. Both I and the university have a proprietary interest in that work, while it is ongoing. Once completed, however, I have a duty to share not only the data and methods with the academic community, I also have a duty to share the mistakes, the blind alleys, the bad guesses and the work and theories abandoned.

Science advances knowledge by demonstrating that a theory is wrong. All the mistakes, blind alleys and bad guesses are valuable, not just to the scientist himself, but to his colleagues. By knowing what did not work, one does more than simply save time. One gains direction. One mistake revealed often opens a vista of other ideas and opportunities. The communications between scientists during a period of research are the grist for the next generation of work. Ask any doctoral candidate or post-doc how important being part of the process is on the direction of their future research. They will tell you that these unpublished communications are as much an important scientific contribution as the final papers themselves. Anyone who wishes to hide those thoughtful discussions hides knowledge.

If anything is "chilling" it is the thought that a neo-Galileo is hiding knowledge.