



Written by [Selwyn Duke](#) on January 31, 2024

Lawfare to Bankrupt and Silence Critics? That May Be This Climate Alarmist's Strategy

Imagine this scenario: Someone sues you for defamation even though he may not think he can win. But that doesn't matter. After all, someone else, with deep pockets, is covering his legal bills, and his goal may not involve winning.

Rather, he wants to break you.

He wants to keep you tied up in court so long, expending so many resources, that you're bankrupted — or at least hobbled. What's more, the action serves as a warning to others: Criticize me, and you could be next. It's a type of "lawfare."

It's also exactly, it has been suggested, what climate alarmist Michael Mann is doing to two critics.

In fact, after having meandered through the courts for 12 years, Mann's defamation suit against conservative author Mark Steyn and ex-Competitive Enterprise Institute (CEI) adjunct fellow Rand Simberg, finally went to trial January 16 in the District of Columbia Superior Court.

Providing some background on the case at the blog Manhattan Contrarian, Francis Menton [writes](#) that way "back in October 2012, climate alarmist and activist Michael Mann brought a libel suit against Mark Steyn and Rand Simberg for allegedly defamatory blog posts that the two had written a few months previously."

"Mann is best known as the creator of the famous 'Hockey Stick' graph, purporting to be a world temperature reconstruction of the past thousand or so years, with essentially level temperatures until the 20th century, and then sharply rising temperatures in the 20th century era of human use of fossil fuels," Menton added. "In the blog posts that are the subject of the case, Steyn and Simberg called Mann's graph false and deceptive."

It's also important to know that Mann, who claims to be a credible scientist, was involved in the "ClimateGate" scandal 15 years ago. To wit:

"In late 2009 there was a leak from the University of East Anglia in England of a large trove of emails in which Mann was a principal participant," Menton reminds us. "The emails showed a close-knit group of prominent climate scientists engaging in what would appear from the face of the emails to be prima facie scientific misconduct — working to suppress all dissent from climate orthodoxy, controlling the peer review process in the main journals, and even discussing alterations of data in the context of the Hockey Stick graph itself."

Perhaps it is this type of behavior that inspired Simberg's commentary, which was colorful, cutting, and comedic. Referencing an ex-Penn State football coach who'd recently been convicted of sexually



AP Images
Michael Mann in 2016



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abusing boys, he [wrote](#) in 2012 that Mann “could be said to be the Jerry Sandusky of climate change, except for, instead of molesting children, he has molested and tortured data in the service of politicized science that could have dire economic consequences for the nation and planet.”

For Steyn’s part, he “distanced himself from the Sandusky analogy, but added that ‘he [Simberg] has a point,’ and that ‘Mann was the man behind the fraudulent climate-change ‘hockey-stick’ graph, the very ringmaster of the tree-ring circus,’” [relates](#) *National Review* (NR). (NR and the CEI were also initially defendants in the case, but were removed from it in 2021 because it was determined that Steyn and Simberg weren’t actually the entities’ employees.)

Reading Menton’s and NR’s coverage of the current trial, it appears that Mann’s case is full of about as much hot air as he fancies will soon imperil the Earth. You can read about his shenanigans [here](#), [here](#), and [here](#), but the *pièce de résistance* may be that Mann apparently led the court to believe he was a Nobel Prize winner when he’s no such thing.

The kicker is that this “isn’t Mr. Mann’s first legal rodeo,” either, [writes](#) *The Wall Street Journal’s* William McGurn. “In 2011 he sued geographer Tim Ball in Canadian court for saying in an interview that ‘Michael Mann at Penn State should be in the state pen, not Penn State.’ In 2019 a Canadian judge dismissed the charges because of the ‘inexcusable’ delay in the trial and ordered Mr. Mann to pay Ball’s legal costs. But news reports say Mr. Mann never paid, and Ball died in 2022.”

An “‘inexcusable’ delay,” do note — just like the 12 years for the present trial? And here’s a second kicker:

“On the stand last week, Mr. Mann also admitted that 12 years of litigation had cost him nothing, though he declined to name who was funding it,” McGurn also informs. “In sharp contrast, National Review’s legal defense [from when it was a defendant] has gone through millions in insurance claims and significant out-of-pocket expenses.”

“That seems to be the goal, judging by one of Mr. Mann’s emails explaining his rationale,” McGurn continues: “‘Going to talk w/ some big time libel lawyers to see if there is the potential to bring down this filthy organization [National Review] for good.’”

“The beauty of ‘bringing down’ National Review or any of the other defendants is that Mr. Mann doesn’t have to prevail to do it; he just has to keep the suit going in hopes the legal fees bury them,” McGurn adds. “This is lawfare.”

Given the big-money interests on the greentopian, climate-alarmist side, it would be interesting to learn who’s funding Mann. But there’s an even bigger issue: McGurn says this “isn’t the way science ought to be practiced.” Of course not. It’s not the way law ought to be practiced, either, though.

Lawfare, you see, is often a strategy used to accomplish what the people oppose and won’t vote for; e.g., the numerous lawsuits [targeting gun companies](#). And this is why we perhaps should adopt what is status quo in England: a “loser pays” law. We only have such a standard, however, in one specific situation. You’ll love this:

Under the 1976 Civil Rights Attorney Fee Act, entities such as the American Civil Liberties Union can sue some relatively small target and, upon prevailing, compel that hapless entity to pay its legal fees. In the case of one small Pennsylvania [school district in 2005](#), which was targeted for presenting intelligent design along with evolution in the curriculum, the ACLU and its allies received \$1 million!

In other words, if you’re targeted by big-money interests and win but get bankrupted, too darn bad. But



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if that deep-pocketed leviathan can successfully call its cause “civil rights” and prevails, you again can be bankrupted — this time paying its legal bills. Then, fattened but still hungry, it can seek its next victim.

This way of running a society isn’t manly, but it is Mannly — and it must change.



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