



Written by [Rebecca Terrell](#) on January 7, 2011

University of Virginia to Finally Release Climategate Documents?

In the midst of a lawsuit before the State Supreme Court between Virginia's Attorney General, Ken Cuccinelli, and the University of Virginia (UVA), the school has received yet another Freedom of Information Act (FOIA) request for the same materials which prompted the current lawsuit. Virginia Republican Delegate Bob Marshall of Prince William Co., the public interest law firm American Tradition Institute, and federal attorney David Schnare are asking the university to turn over documents they say contain important global warming research used by the UN's Intergovernmental Panel on Climate Change (IPCC) to mold environmental policies worldwide.



Cuccinelli originally requested the documents in early 2010 after the [Climategate](#) scandal broke, an event that prompted accusations of fraud and corruption against key IPCC global warming researchers. One of them is Michael Mann, a former University of Virginia employee. It was during his tenure there he conducted taxpayer funded research and came up with his infamous "hockey stick" graph warning of pending eco-catastrophe. IPCC has based many of its [global warming claims](#) on this graph, but a congressional investigation found it to be [fraudulent](#).

Cuccinelli submitted his request as Civil Investigative Demands (CIDs) related to five grants Mann used to conduct his research. The attorney general wanted to determine if taxpayers' money had been fraudulently obtained or spent by UVA. The university [answered](#) by hiring a high-dollar law firm that [argues](#) "enforcing [the CIDs] will set a harmful precedent for the Commonwealth and all of its institutions of higher learning." UVA contests the CIDs because it says they violate its First Amendment rights of "[academic freedom](#)."

"The CIDs were issued pursuant to Virginia's Fraud Against Taxpayers Act ([FATA](#)), which provides civil penalties for fraud committed on Commonwealth taxpayers," the school stated in a [press release](#). "The attorney general's authority under FATA is limited to investigating potential violations of FATA - not 'to probing the merits of scientific theories or furthering some other agenda.'"

The three who submitted this latest FOIA request published an [op-ed](#) in Wednesday's Washington Examiner entitled "Yes, Virginia, you do have to produce those 'global warming' documents." The authors - Marshall, Schnare and Christopher Horner, ATI senior director of litigation - say that UVA denied a previous FOIA request for the material because it claimed the records had been destroyed. Now that they know UVA has the documents, they are asking the school to honor its published [Freedom of Information policy](#). They explain, "Virginia's transparency statute FOIA gives the school one week to



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produce the documents, and offers no exemption for claims UVA is using to block Cuccinelli's inquiry."

Marshall made an initial FOIA request for Mann's records about a year ago when he learned UVA was in the process of fulfilling a similar petition from the activist group [Greenpeace](#) for materials relating to another former professor, Patrick Michaels. When UVA denied Marshall, Michaels asked the school about the Greenpeace request and was told "some people's records are treated differently than others."

"One disparity possibly helping to explain the other was that Mann had been an active participant in the IPCC, obtaining many research grants for his work at UVA," the op-ed authors speculate. "But Michaels had been a very politically incorrect, high-profile 'skeptic' of catastrophist claims such as those represented by the IPCC, and particularly Mann's Hockey Stick."

Photo: Virginia Attorney General Ken Cuccinelli gestures during a speech before the AP Day at the Capitol luncheon at the Capitol in Richmond, Va., Dec. 7, 2010.: AP Images



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