



Written by [Rebecca Terrell](#) on February 9, 2024

## Jury Awards Mann \$1M in “Hockey Stick” Defamation Case

A Washington, D.C., jury has awarded \$1 million to the plaintiff in a defamation case that has rocked the climate-change world.

Controversial climate scientist [Michael Mann](#) sued two conservative writers 12 years ago. They had drawn parallels between his claims of catastrophic global warming and a convicted child molester.

At the time, Mann was professor of atmospheric science at Pennsylvania State University (Penn State). He had gained international recognition in 1998, when he published the now-infamous “[hockey stick](#)” graph in the journal *Nature*. It depicted skyrocketing global temperatures beginning in the mid-20th century, with no expected end in sight.



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The UN immediately latched on to the hockey stick, including it in two Intergovernmental Panel on Climate Change (IPCC) [assessment reports](#), which were subsequently used to set governmental environment policies around the world.

Al Gore also featured it prominently in his oft-debunked 2006 movie [An Inconvenient Truth](#).

However, Mann garnered harsh criticism from many of his scientific contemporaries. For instance, climatologist Dr. Tim Ball [cried foul](#). Instead of defending himself by publishing his original data for appropriate peer review, Mann decided to slap Ball with a libel lawsuit.

That case didn’t go so well for Mann. The court wanted to see his original data, too. When Mann refused, the Supreme Court of British Columbia threw the case out and ordered Mann to pay the defendant’s legal costs.

That didn’t deter Mann. He also [sued](#) other critics — aerospace engineer Rand Simberg and political commentator Mark Steyn. Last Thursday, the jury awarded Mann more than \$1 million in punitive damages. However, it gave him only a token \$1 in compensatory damages.

For an explanation of the discrepancy, here’s the backstory:

In 2012, Simberg published a [column](#) on the Competitive Enterprise Institute’s blog, OpenMarket.org. He suggested that Mann’s employer, Penn State, engaged in a cover-up to protect Mann from scrutiny regarding the hockey-stick graph. Some of the emails from the 2009 [Climategate](#) scandal backed up his allegations.

Climategate had forced Penn State to conduct an investigation. The result was unsurprising; the school exonerated its professor. Many declared it a [whitewash](#) “that would have made Nixon blush.”



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Simberg went on to draw comparisons between Penn State's investigation of Mann and its cover-up of the Jerry Sandusky scandal. Sandusky is a former assistant football coach at Penn State who, in 2012, was convicted of sexually abusing young boys over a period of several years. The FBI investigation discovered that the university had engaged in concealing Sandusky's crimes.

Simberg noted that the "same university president who resigned in the wake of the Sandusky scandal was also president" when Mann was being investigated. The blog post accused Penn State of a disregard for ethical standards to shield prominent figures associated with the school.

Impressed with Simberg's arguments, Mark Steyn reprinted his column on the [National Review](#) website.

Mann sued both journalists and their publishers. His [complaint](#) accused them all of libel and the "intentional infliction of emotional distress," as well as what Steyn called "the hitherto unknown crime of 'defamation of a Nobel prize recipient.'"

In fact, Mann published a press release on his [Facebook page](#) announcing the lawsuit, and it, too, claimed that he "was awarded the Nobel Peace Prize" for his global-warming research.

*National Review* contacted the Nobel Foundation, which denied that Mann had ever won a Nobel prize.

Regarding Mann's formal complaint, *National Review* attorneys countered that what Simburg wrote was protected under the First Amendment, and they pointed out the unsettled controversy surrounding Mann's hockey-stick data manipulation.

Twelve years later, the verdict is in, and major media exult that Steyn has to pay Mann \$1 million in punitive damages.

"It feels great," Mann told [The Associated Press](#) after the jury delivered its verdict. "It's a good day for us. It's a good day for science."

But science was not actually on trial here. This was a *defamation* case. The hockey stick was not investigated, nor could it have been. The alleged "scientist" still won't release his data — even though that practice is a staple of scientific inquiry.

Mann, who is now the director of the Center for Science, Sustainability, and the Media at the University of Pennsylvania, claimed that the actions of the defendants had affected his career and reputation, both in the United States and internationally.

Interestingly, in 2019, Mann was [awarded](#) the Tyler Prize for Environmental Achievement, which is known in his circles as the "Nobel Prize for the Environment."

So it is unclear how Simberg's comments and Steyn's reposting of them have adversely affected Mann. In fact, the jury determined that the latter was not harmed.

That explains the \$1 compensatory ruling. Why the \$1 million?

Attorney John Hinderaker, president of the think tank Center of the American Experiment, has been following the case closely. On his [Power Line blog](#), he explains:

The verdict was disappointing to those of us who followed the case and thought that Michael Mann presented a pathetically inadequate case. The jury actually agreed: it found that the defendants had defamed Mann, but awarded only a token \$1 in damages, since Mann had failed to prove any. But it found that both Simberg and Steyn acted with actual malice —



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that they didn't actually believe what they said about Mann — and awarded punitive damages in the amount of \$1,000 against Simberg, and \$1 million against Steyn.

In a sane world, this case never would have gone to the jury. The legal standard is actual malice, which means the defendants must have thought, subjectively, that what they said wasn't likely true. In this case, there was no evidence whatever that Steyn and Simberg didn't sincerely believe that what they said was true. Indeed, as Mark [Steyn] pointed out in [his] closing argument, he has been saying the same things about Mann's hockey stick for something like 21 years, and even wrote a book about it.

Hinderaker goes on to point out that in his closing arguments, Mann's attorney, John Williams, actually admitted the political motivation in the case. "He said that the jury should award punitive damages so that in the future, no one will dare engage in 'climate denialism,'" Hinderaker wrote. He went on to say that in "41 years of trying cases to juries, I never heard such an outrageously improper appeal."

In other words, the \$1 million is not just a punishment to Steyn, who did not injure the plaintiff, but a warning to anyone else who might ever again dare to challenge the global-warming narrative.

Environmentalists are gloating. "I hope people think twice before they lie and defame scientists," Kate Cell of the Union of Concerned Scientists told the [AP](#).

Of course, Mann is claiming his win in the case is a victory for science. He's also issuing warnings about what is and is not "protected speech." Here's what he told CNN:

As for CEI and *National Review*, the D.C. Superior Court ruled in 2021 that neither is liable for defamation in the case. After Thursday's verdict, Mann declared his intent to appeal that decision. "They're next," he warned.

Both Steyn and Simberg have said they will appeal. Lyrissa Lidsky, a constitutional law professor at the University of Florida, told [The Associated Press](#) that because of the vast discrepancy between the compensatory and punitive damages, it is possible that the judge could reduce the latter. That judge is Alfred S. Irving of the Superior Court of the District of Columbia, appointed by George W. Bush in 2008. He was just [reappointed](#) in December for a second 15-year term.



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