



VIRGINIA CONFERENCE
AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

May 6, 2010

Attorney General Kenneth Cuccinelli
Office of the Attorney General
900 East Main Street
Richmond, VA 23219

Dear Attorney General Cuccinelli:

On behalf of the Virginia Conference of the American Association of University Professors (AAUP), I strongly urge you to rescind the April 23, 2010 Civil Investigative Demand (CID No. 2-MM) your office issued to the Rector and Visitors of the University of Virginia regarding the scientific research of Dr. Michael Mann.

The AAUP is the nation's oldest and largest organization dedicated to the defense of academic freedom. A core principle of academic freedom is that society benefits when faculty members are free to pursue truth, especially on controversial matters of the day, without political interference or legal harassment. Researchers are held by their disciplines to high professional standards of conduct, assuring that vigorous debate about interpretations of data remain unfettered in the search for truth.

We believe that CID No. 2-MM will have a chilling effect on research and debate at the Commonwealth's institutions of higher education. Researchers whose findings may be unwelcome by the Commonwealth's political officers may choose to censor themselves, thus denying the scientific community and society their insights, or more likely may leave the Commonwealth. Highly sought-after scientists will most likely be reluctant to accept appointments at Virginia institutions if they believe their research conduct will be questioned for political, and not scientific, reasons.

Dr. Mann's research conduct has been reviewed by scientific panels convened by the National Academy of Sciences, the National Research Council, the British House of Commons Science and Technology Select Committee, and by the Pennsylvania State University, where Dr. Mann is currently employed. None of these scientific panels have found any credible evidence suggesting research misconduct on the part of Dr. Mann. We believe that there is no cause for the Virginia Attorney General's Office to conduct an investigation of Dr. Mann's research grant proposals under the Virginia Fraud Against Taxpayers Act. Under these circumstances the issuance of CID No. 2-MM creates the appearance of a political, rather than a civil, investigation.

Furthermore, we note that CID No.2-MM asks the University of Virginia to provide the Attorney General's Office with Dr. Mann's e-mail correspondence since 1999 with no fewer than thirty-nine persons, and with the secretaries and administrative staff with whom Dr. Mann worked while at the University of Virginia. Further still, the Interrogatories in the CID ask for the names of all University of Virginia employees who may have worked on the grants awarded to Dr. Mann, or have been involved in the preparation and approval of these grants. The effect of these inquiries could be to make scientists around the world reluctant to work with Virginia's scientists on research that touches on politically controversial questions, i.e., much of the most important research conducted in higher education.

In reviewing a prior case of a state attorney general's investigation of "subversive persons" upon direction of the state legislature, the United States Supreme Court concluded:

There is no doubt that legislative investigations, whether on a federal or state level, are capable of encroaching upon the constitutional liberties of individuals. It is particularly important that the exercise of the power of compulsory process be carefully circumscribed when the investigative process tends to impinge upon such highly sensitive areas as freedom of speech or press, freedom of political association, and freedom of communication of ideas, particularly in the academic community.

Sweezy v. New Hampshire, 354 U.S. 234 (1957).

Therefore, we respectfully urge that CID No. 2-MM be rescinded and that the Attorney General's Office work to assure that scientific research conducted under professional standards be protected from political interference.

Thank you for your attention.

Sincerely,

Patricia W. Cummins

Patricia W. Cummins, President
Virginia Conference of the AAUP