

crusub@tesco.net

20 April 2010

Sir Muir Russell
The Independent Climate Change Email Review

Dear Sir Muir,

Resubmission

I am submitting this letter in lieu of my original submission to the ICCER and ask that you publish it on your evidence page.

The Intergovernmental Panel on Climate Change assessment of the scientific basis of climate change is the most important work that the University of East Anglia's Climatic Research Unit undertake. My submission alleges that senior CRU employees, in collaboration with others, deliberately violated the IPCC rules and then sought to cover it up when FOIA requests became uncomfortable.

The central accusation that I made relates to the section of the IPCC Fourth Assessment Report for which a UEA employee was a Lead Author. It is that, to avoid the removal, justifiably demanded, by Government and Expert Reviewers of all reference to the paper, Wahl and Ammann 2007, from Chapter 6 of the Working Group One contribution to the 2007 IPCC Fourth Assessment Report, the Lead Authors and Review Editors agreed, in June 2006, to an improper and unpublished change to the IPCC assessment process. This circumvented the peer-review process upon which the credibility of the IPCC relies. On 27 May 2008, soon after this fact was revealed, I made specific Freedom of Information Requests to UEA and the Met Office. The emails that your review is investigating appear to show that UEA, the Met Office and the University of Reading cooperated in avoiding all disclosure of the evidence on this matter.

On 12 April 2010, I received an email from your Review team stating that you would not be publishing the evidence submission that I had emailed to you on 25 February 2010, as it makes references to, and comments upon, a large number of individuals. It went on to state that your legal advice was that you might be liable to a charge of defamation were you to publish the current version. The email added that you do not have Parliamentary privilege as is the case for the UK Parliament's Science and Technology Committee that published my similar but less detailed submission at <http://tinyurl.com/y2s7n9p>.

I replied immediately, expressing my surprise and offering to rewrite any sections that you could identify as being potentially defamatory but you replied stating:

“there would be a significant risk of legal action if your submission is published in whole or in part on the Review website”.

However today, 20 April 2010, you indicate that my submission is one of three that you have not published and you state:

“With each of these three submissions, the Review has either sought permission from the author to redact or clarify extracts from submissions which could be libellous, or has requested permission to publish contact details so that individuals wishing to read withheld submissions can access them directly via the author.”

I have begun to redact and clarify sections of my submission that I think may have caused you concern and will ask that you reconsider it when I send it to you. In addition I will send you letters to and responses from the IPCC Secretary and others responsible for the irregularities that I claim took place. These will show that I had given every opportunity for the individuals and the IPCC to answer the allegations that I have made. You have not answered my question to you as to what steps you have made to contact the individuals and any other attempts to verify or disprove what I have claimed. You also state today:

“Whilst the submission may be honest opinion based on facts, it nevertheless casts aspersions on the actions and motives of a large number of individuals, including individuals whose conduct is outside the remit of the Review.”

This is not correct. Your Review was established at considerable public expense to examine the many allegations of wrongdoing that were made from all over the world against the scientists whose emails had been disclosed. In your “Issues for Examination” paper, published 11 February 2010 you identified a matter to be examined as part of your terms of reference, as follows:

“5. It is alleged that there have been improper attempts to influence the peer review system and a violation of IPCC procedures in attempting to prevent the publication of opposing ideas.”

You invited submissions and undertook to publish them, subject to the conditions you note on the evidence page. One of the most widely reported emails solicited the deletion at UEA/CRU and overseas of the IPCC AR4 emails, which I had requested just two days previously. None of your published evidence submissions so far deal with this matter. Mine, however, gives a clear account backed up by the emails and other documents in the public domain. It offers a clear motive for the deletions.

You must have expected to receive submissions that accused individuals of wrongdoing. What else could you expect? Any of them that proved to be untrue would be defamatory. However, it is the declared purpose of your Review to assess these accusations, if they relate to matters revealed in the

emails. Should your Review find that I am correct in the conclusions I draw from the documentation and you publish a report to that effect, you will still be subject to the same risk you seek to avoid by censoring my submission. You state:

“Please note that the Review team has reviewed all submissions, regardless of whether it is possible to publish them or not.”

A conclusion that some might draw from this is that you have decided that the allegations made are unfounded but that you have no intention of explaining how you came to that conclusion. An alternative might be that you accept the allegations are well founded but, for fear of being sued, will not state it in your published report.

I would remind you that the UK Parliament’s Select Committee in their Report referring to your Review state:

“We agree that the Review must be open and transparent. We conclude that, when the Independent Review holds oral hearings or interviews, they should be carried out in public wherever possible and that it should publish all the written evidence it receives on its website as soon as possible.”

I believe that you accepted a duty, which UEA agreed to underwrite, to fully and properly investigate the allegations against the individuals that have emerged from the emails and, if you join those other enquiries that have exculpated UEA after a cursory review and without public hearings, your enquiry will have no credibility. As a minimum you should by now have given the individuals that I have accused of wrongdoing the opportunity to give evidence of rebuttal to the Review and be prepared to publish it with my submission.

I believe there are no conceivably defamatory statements in this letter that have not already been published many times and it includes an email address by which I can be reached by the public who may wish to know exactly what I have reported to you. I ask that you publish this letter in lieu of my original evidence submission.

Yours sincerely,

David Holland MIET