

Phelim McAleer transcript 012124

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Background of the Defamation Case

Phelim: it's great that, people are finally getting their day in court and Michael Mann is suddenly realizing that, um, blocking and smearing doesn't work in a courtroom

Tom: My guest today is Phelan McAleer. And, uh, can you tell us a little bit about what's happening in the Stein trial?

Phelim: Well, I'm sure your viewers know a lot of the details. Uh, but you know, just, just for the few people out there in the world who don't know, uh, Michael, my professor, Michael Mann, the esteemed professor, Michael Mann, uh, from the university of Pennsylvania, formerly of Penn state.

Details of the Alleged Defamation

Phelim: Uh, is suing, uh, Mark Stein for defamation, uh, due to Mark Stein's 270 word post in National Review back in July 2012, called Football and Hockey, where Mr. Stein, the writer and broadcaster, referred to, um, Professor Mann's hockey stick graph as a fraud and compared the [00:01:00] investigation to the Climategate emails By Penn State, uh, it compared that to their, uh, terrible investigation into Jerry Sandusky where they exonerated Sandusky, even though there was evidence of, to be blunt, child abuse, uh, child, child rape, as it was said in court.

So he made a point if you, if they will exonerate, if they will cover up for their star football player, why wouldn't they cover up for their star climatologist? Uh, so he said that the hockey stick was a fraud. The investigation was a fraud, um, and that, and so Michael Mann took offense, uh, at being compared to Jerry Sandusky, uh, even though he wasn't, it was the investigations that were comparable.

So, 12 years later, Mann has, has slinked into court and, uh, the case is ongoing as they say.

The Central Point of the Case

Tom: And the central point is, uh, whether the hockey stick is a fraud, right? [00:02:00] Stein's going to argue that, uh, it's not defamation because the hockey stick is fraud. Is that correct?

Stein's Defense Strategy

Phelim: Well, Stein is going to, yes, Stein is going to argue, um, as well as Stein brilliantly put it in his opening speech, I started off believing the hockey stick was a fraud.

I now know Michael Mann to be a fraud. Um, Stein is both going to argue that the hockey stick was a fraud, but he's also going to argue that in America, you have the right. To criticize public figures, you have freedom of speech that, uh, so there's, yeah, it's a two pronged, you know, the original, uh, the original sin was to, to call Professor Mann's hockey stick a fraud.

Uh, and the original sin was just to cast doubt on the investigations that exonerated him. Uh, but. Also, Mr. Stein is now expanding it to say, look, we have freedom of speech in this country, and if you're a public figure, and then he also, you know, I mean, he also said [00:03:00] Michael Mann had said much worse about less public figures.

In fact, he said much worse about less public figures about a witness in the case the day before the case opened on Martin Luther King Day.

Michael Mann's Reactions

Phelim: So, you know, it's a, it's a very interesting and multifaceted case and, you know, it's, it's the trial of the century, really.

Tom: Yeah. So just this week, man, sort of compared Steve McIntyre, or he said he's a white supremacist, right?

He suggested that on Twitter this week. Yes. On

Phelim: Martin Luther King Day, right? As, as, um, Uh, as, as I think Mark said, Mark Stein said he's a master of bully, blocking and, and something else, bullying, blocking, uh, and so Stephen McIntyre, who's a rather mild mannered Canadian, and he's not really a statistician, just a genius, I suppose, you know, he's a, he's a renaissance man, actually, Stephen McIntyre, but he got interested in, in statistics and, uh, pointed [00:04:00] out a number of flaws in man's hockey stick.

And. Yeah. And by the way, he's pointed out a number of flaws in

NASA's statistics, and NASA has quietly, um, changed those figures without acknowledging that he pointed out there were, so, you know, he does this, but then a man on Martin Luther King Day tweeted, yes, you know, there's, I don't want to misquote him, this is a paraphrase, there's a similarity, you know, people, you know, using bad statistics has a long history going right back to white supremacy.

Right, something like that. So basically saying, Michael, uh, Steve McIntyre, this, this genial, uh, Canadian is a white supremacist because he dares to challenge, uh, Professor Mann's statistics, not even the statistics, because McIntyre, uh, talks about statistics, like, like it's a Greek alpha, but I don't know what he's talking about, but obviously people in the statistics world understand it.

And [00:05:00] obviously it, it got to Michael Mann because probably because it's true.

The Stakes of the Case

Tom: So I want to understand the stakes here that is it true that, uh, man is suing for 20 million and there are two defendants or how does this work?

Phelim: Yes, there are two defendants, Ryan Sinberg, Ryan Sinberg wrote a blog post, um, Making the comparison with, with the Jerry Sandusky investigation, who was attached to the CEI, um, and Mark was merely responding to that.

Um, yes, there are two defendants. Um, it's a very interesting question, how much, because Mark Stein. During his opening speech said, and he's coming here for 20 million objection, your honor, and it was immediately shut down. There seems to be some dispute about how much man is looking for, uh, whether the jury can know how much he's looking for.

I've spoken to lawyers outside the courtroom who are not involved in the court case and they're going, but surely he has to put it in a statement [00:06:00] of claim how much he's looking for. So I don't, I can't. I must find out, I must try and use my courtroom sources, uh, to try and find, um, just how much man is looking for and why the jury is not allowed to know this.

Why we the public are not allowed to know how much Michael Mann is looking for, for suing for something that he has said, he frequently says 10 times, uh, more offensive things on Twitter every week.

Tom: So I'm trying to figure out how man thinks he was damaged by a Stein and one of those that's I think in the, uh, official filing is

quote, he began to receive disapproving glances around town and quote, and he was called a loser on email.

I think that came up that someone called him a loser. And also, uh, somehow his career has been damaged since 2012, but then there's a long list of awards and all sorts of, uh, publicity has gotten super positive since 2012. How's that all going to

Phelim: fly? Well, his resume is [00:07:00] 96 pages long. Right. He has moved from Penn State to U Penn, University of Penn.

Now, I don't know much about your American university system, but I believe University of Penn is something that you call Ivy League. Uh, and Penn State is not. So he has moved from Penn State to an Ivy League. University since the article is written. He received and Tom, I didn't appreciate you smirking there.

He has received three emails, right? Three inappropriate emails since the Stein and Sinberg, uh, article and two of those emails were from that respected public commentator called Mustafa Overlord at gmail.com. Uh, who wrote not very nice things about him in these e mails, Mustafa Overlord, I mean a hugely respected climatologist and, uh, uh, commentator.

I mean, if he had said something like that about me, I'd be devastated. And the other one was from, I can't remember his name, but he [00:08:00] called Michael Mann, a loser. Wow. Yeah. A loser. Not a white supremacist, but a loser. But of

Tom: course, anyone who has been involved in the climate debate in any case, even me, of course, I've received a lot more than three emails calling me a loser, et cetera, and disapproving glances.

I mean, uh. I guess the jury doesn't know this or Stein's going to be able to point this out that this is not unusual. Well,

Phelim: I mean, Mustafa Overlord. Yeah, but then then if you go to Michael Mann's website there, he's since since these terrible pieces are written, he's been pictured with Leonardo DiCaprio, Al Gore, Bill Clinton, Elon Musk.

He has a whole picture, a whole board on his website of famous people who want to hang with Michael Mann. So, um, you know, let's see what the jury I mean. The jury. The jury were very, you know, I was sitting [00:09:00] kind of the side of the jury, but my colleagues were sitting right in front of the jury and I, I had Michael Mann on my side and Michael Mann, you know, when it was open, when his, his lawyer, who's John Williams, who, who, who's a big hulking man and he thinks he's rumbled of the Bailey rights.

Maybe that's a, a, um, image that you're. Listeners mightn't know, but he thinks he's Rumpel of the Bailey, and then he met the real Rumpel of the Bailey, Mark Stein. And you could just see the two of them. When Williams introduced Mann, it was my client, Michael Mann, and Mann stood up to attention, you know, and then sat down and was sitting like this.

And then as, as, as, as Stein. Continued his, his assault, you know, that was his verbal assault on, on his integrity. He just got smaller and smaller and he kept getting angrier and angrier and kept looking at his counsel and, and why aren't you doing anything? And there was nothing he could do. So, uh, it's, uh, [00:10:00] you know, it's a long road and, uh, Mark has got off, Mark Stein has got off to a good start.

So you mentioned

The Lawyers Involved

Tom: man's lawyer, John B. Williams. I looked him up on his own website. He defended Joe Camel. He was defending R. J. Reynolds in some sort of smoking case. And he also represented G. Gordon Liddy and Mobil Oil in a couple cases. How does that fit with, uh, man, uh, being against all of those things, uh, I guess that's the way it works in the legal world.

Phelim: Yeah, I think Williams isn't, uh, the true believer, uh, and, uh, I mean, if you listen to Mark Stein's, Mark Stein put his depositions up. On his website, Stein Online, and during one of the depositions, man's lawyer bursts out laughing at something Stein has said, and it's never a good sign for your client when your lawyer laughs at the, at the other side's jokes, you know, so, um, I think William's, I mean, yeah, I mean, you could [00:11:00] say that, you know, he's obviously not, you know, fully on board, but he, he's not beyond, as Mark Stein said in court, playing fast and loose with the truth.

Um, or Mark just call it fast and loose, you know. He was up to all sorts of sharp practice, you know, claiming Mark had never heard of the National Academy of Science or National Science Foundation report and, and then played Mark. I could see Mark getting really angry when he was saying that, and then he played the clip from the deposition and all, all Mark said was, you know, he asked him, have you read the National Science Foundation?

And he goes, I have to admit, I get very confused with you guys, you know, and your, and all your reports, beginning with N, National Science, National Academy, National Association of Space, you know,

everything begins with N, all your, whereas in Britain, we have this thing where, you know, the report is named after the person, you know, the Oxford report or the Muir Russell, you know, but honestly, I'm, I [00:12:00] always have a problem.

So we had a problem distinguishing the names, but not the content. And You know, Williams is up to this kind of sharp practice and I have my own evidence of, of Williams's sharp practice because, uh, he, uh, I, I had the audacity to ask man some questions outside court and Williams complained about it bitterly to the judge who then threatened to throw me out of the courtroom, but Williams.

You know, lie to his teeth about it, you know, uh, in front of me, uh, saying I did never identify myself. I have, I have Williams's business card. , I have Williams's business card that I got off him in court when I introduced himself. I introduced myself to him and I said, he said, who are you with? And I said, I'm doing a daily podcast on the trial. And he goes, Oh yes, I've heard of that.

There's Williams business card. This is the man who said, I refuse to identify myself. There's his business card, right? And I even wrote, at the time, because I went up and said, what, I want to get your name enrolled for accuracy purposes, I just want to. So, he said, I'm John B. Williams [00:13:00] and I'm representing Michael Mann and I put Michael Mann beside his name, right?

And, uh, and there's, uh, Peter Fontaine, his colleague, right? So, refused to identify myself. And then, on tape, outside the court, you have Peter Fontaine saying, What's your name again? Again. And I said, Philo McAleer. It's on tape, right beside John Williams. And he told the judge, That, um, I refuse to identify myself.

So, I mean, man, man, as, as Mark Stein said, Michael Mann lied about having a Nobel Prize, uh, but his lawyers lied to the judge. And now I think Michael Mann has the lawyers he deserves for this particular case. Um, you know, I think from what I could see, the most shocking part of Mark's opening address, Mark Stein's opening address was when he told them that Uh, Michael Mann had fakely and falsely and frequently claimed to have won the Nobel Prize.

Like, they were gobsmacked. They were looking around at the screen, just [00:14:00] looking at it, like, it was like, well, who ever heard the like, actually?

Tom: Yeah, so it's in the official filing, right? He claims he's a Nobel Prize winner in his filing. Three times,

Phelim: three times he claimed to be a Nobel Prize winner in his official, he lied to the court.

His lawyer, John Williams lied to the court. I don't know who wrote that filing. I suppose man signed it. Maybe the lawyer wrote it, but these are dishonest people who on three separate occasions, three, three times in the filing. Uh, defamed a Nobel prize laureate, right? And it's like, as Mark said, that's not actually a crime in any jurisdiction, but it's also false.

He's not, he has never won the Nobel peace prize.

The Podcast Coverage of the Trial

Tom: So you mentioned your podcast that we should mention the name of it. It's climate change on trial, right? A daily

Phelim: podcast. Yes. So we're doing a kind of unique thing and let's, and thank God we are. It's, it's, it's, if I do say so myself, it's a fantastic podcast.

People,

Tom: I've listened to all the episodes more than once. It's great. Yeah.

Phelim: [00:15:00] Yeah. So what we're doing is we're getting the transcripts of the trial every day, and we're getting actors in LA to reenact. The most exciting, the most dramatic clashes of the day, the most interesting parts of opening speeches, just any, all and everything that's interesting that's happening and we're putting it out on it and we're, myself and my wife, Ann McElhenney, fellow journalists, we're, we're, we're putting, uh, we're commenting on the opening speech.

But mostly we're letting the people speak for themselves, to be fair, right? We're just saying, this is when Mark said this, this is when Michael Mann's lawyer said this, let him talk. Um, and, uh, you can, it's really like being in the courtroom and, uh, you really get a real feeling. The actors are brilliant, but we've had amazing response.

We're now the number nine podcast in science worldwide.

Tom: Fantastic. I'm so glad to hear that. So

Phelim: I need, I need, I sorry to, to put in a plug or whatever you call it. I, I need your people to go now and listen to it. I [00:16:00] need them to leave a rating and review. 'cause I want it to be the number one science podcast worldwide.

We're number nine at the moment, which is amazing on Apple. So go to

Apple. Climate change on trial and listen to it. And it's, it's not a plug. You'll, you'll have a ball. You'll, you'll really enjoy it, but leave the rating and review as well.

Tom: I'm interested that, uh, you have the actors playing the voices, like the voice of Mark Stein is Australian actor, Thomas Bromhead, who was also one of the voices of the Geico Gecko.

Phelim: Yes. Well, I mean, I'd be interested in your, I mean, opinion is divided. If you read the reviews, opinion is divided. Um, I mean, I've had emails going, is that Mark playing himself? Right. And then all the people going, I wish the actor was more like Mark. Right. So what, what do you

Tom: think? I think he sounds like Mark.

I mean, you can't get it exactly. I think he's doing a great job. I love it. I think

Phelim: he's doing a great job too. I haven't heard any complaints from Mr. Stein, any objections or, uh, uh, you know. Outrage, you know, I don't think Mark Stein's gonna sue me. I don't know. Who [00:17:00] knows? It's crazy.

Tom: Well, I'm curious about the logistics of how you're doing this.

Like, do you get a written transcript that you can then send to L. A. Every night? It's a nightmare.

Phelim: It's a nightmare, you know? Um, so we, yeah, we get a transcript that we send to L. A. Um, and, uh, it's, uh, And, you know, we do, we do the links in advance and then we get the transcript, you know, the next morning and, uh, it's, it's done in LA early in the morning and then we added it all together and just put it out.

I mean, it's, it's, um, it sounds good, but it's, you know, it's just basically us commenting on us telling you what, this is what happened yesterday because we know in advance what we're going to choose, but we take copious notes. So we have it there. So we. We construct the podcast and then the next day when we get the, when we get the transcripts, we get them reenacted very quickly.

They're acted on standby and it goes, uh, it's, it's just edited. It's edited in Europe, actually, because they're awake at that stage and, and able to, you know, um, to do it. [00:18:00] And, uh, it comes out, uh, you know. In the morning, the next day, so people can listen to it on, you know, on their tea break in the morning or lunchtime or whatever, but I mean, it's, we've had an amazing response, as I say, the number nine top science podcast on the planet.

So we're hoping to be number one.

Tom: And did you say it comes out at about five in the morning, maybe Eastern time? No,

Phelim: no, no, it comes out a bit later. Uh, probably comes out, you know, like nine or 10. Okay. Let's

Tom: see. Um, Oh, I was going to ask, uh, can the general public see these transcripts or at some sort of, uh, expensive way, a thing you have to do to get them,

Phelim: you pay a small fortune, you know, um, and you can, and you get them, people can watch it on Webex actually, but the problem is nobody has the time really to watch all the trial.

And, you know, a lot of trials are boring procedural stuff. Uh, so we take the interesting parts and the relevant parts and bring them to people in a, in a podcast where you can [00:19:00] listen to it any time of the day or night.

Tom: But there still is enough interest that maybe hundreds of people are watching the online stream, right?

Speculations on Mann's Participation

Tom: And they had a overflow in the courtroom, a separate room where people could physically go.

Phelim: No, they didn't. overflow because That's because the jury was being selected, but there's a small courtroom, but there's not that many people in the courtroom. No. Um, I haven't funny. I haven't been watching the WebEx.

I don't know how many people are on there, uh, because I'm just, uh, being busy with all the things, you know,

Tom: do you think it's going to get to the point where, uh, Man actually gets cross examined by Mark Stein because it's this John Hinderokker here from the, uh, from my area, Minnesota. He's talking about buying a plane ticket and heading out there because I think a lot of people would like to be in the courtroom if that happened.

Phelim: Yes. Yeah. See, this is the big question. Man, I've never seen man. He was completely shell shocked after the opening speech, right? And, uh, I think he doesn't understand. He, [00:20:00] as Mark says, he's a bully. He punches down, Mark made the point, Mark Stein made the point that Mark had criticized the hockey stick in newspapers from

New Zealand, Papua New Guinea, Australia, Britain, where it's much easier to take a label case, by the way, a defamation case.

A man hadn't sued because these were massive media organizations who would have quashed him. Um, but he sued because these are smaller organizations and you get a DC jury. He suddenly has realized he's, he may have realized he's taken on more than he can chew, chew. Right. Uh, and John B. Williams, you know, after 12 years, John B.

Williams says, you know, let drop this bombshell that man wouldn't be there every day due to a hectic teaching commitment. Right. And it's like, yeah, okay. Um, I think, you know, I think there's a thing actually called remote learning that was, that has rather popular, uh, with young people nowadays [00:21:00] and, uh, university administrators.

There's also a thing where you can actually, you know, move your classes for a couple of weeks. Like, I mean, you know, you can actually, you know, you can all do them together, you know, in a, in a, in a week or two. So man does not want to be there. Um, does he want to be cross examined by Mark Stein? Um, I don't think so.

Does he want to be asked in depth about his fake Nobel Peace Prize? I don't think so. Does he want to be asked in depth? About, uh, calling Steve McIntyre a neo Nazi and by the way, that's only the beginning of it. As Mark Stein said, pointing to him, uh, Eleanor Roosevelt said, you know, great minds talk about ideas, medium minds talk about events, small minds talk about people, and that is a, that, that is a small man with a small mind.

You know, no one wants to be on the receiving end of Mark Stein's rhetoric. I don't think Michael Mann does. So I [00:22:00] wonder, there's a chance I think he'll drop out of the case. I think there's a chance that he will catch COVID and, uh, have to reluctantly withdraw or due to onerous teaching commitments and the ongoing climate emergency, just decide to devote his energies to saving the planet rather than dealing with, uh, Far right agitators in a DC courtroom.

Tom: Uh, how actually does it, if he gets called, uh, to, uh, get cross examined, can you just say, no, I don't want to do that.

The Legal Intricacies of the Trial

Tom: Or does he have to come up with some excuse like he's sick

Phelim: or what? Good question, actually, good question, because Mark actually, Stein, made the point, you know, he kept saying, if man gives evidence, right, and man may not give evidence, he doesn't have

to give evidence, um, he can call other people to say, oh, oh, I, I gave him a disapproving glance in the supermarket that day after I read the article.

So he could, he could try it that way. And then I suppose, I [00:23:00] don't know the legalities. If he doesn't give evidence, can he be cross examined? One would think he should be, but the law is a funny thing. So these are, these are mysteries that will emerge as the trial goes on.

The Role of Witnesses and Testimonies

Tom: So I hear people saying that this is going to take about three weeks, but how does anybody know how long it's going to take and, or have you seen a list of who is going to testify on both sides?

Phelim: Not a list but it's been mentioned in the opening statements. Yeah, I think well, you know, the judge is supposed to curtail You know, he's supposed to say to people, you know, here's your day is fill them and here's your day is fill them, right? So I think that's the way he's doing these and you have this day these days and these days fill them the best you can You're ending then right?

You're not getting to go go beyond those days.

The Boring Testimony of Raymond Bradley

Phelim: Um, so Uh, I know, uh, was it Raymond Bradley spoke for, um, or Mr. Mann on Friday, just after Mark Stein's opening. I missed that because I wasn't in court, but I [00:24:00] believe it was terribly boring. Um, my other colleagues were there. I believe it was terribly boring.

It was really, uh, Mr. Bradley's, um, holiday pictures. Here's me in the North Pole with lots of ice. Here's me in Alaska with lots of ice. Here's me in the South Pole with lots of ice. Another one. Here's me in Bermuda, which is, you know, I don't know what, what that's anyway. So it was and aren't I? And here's me in the South North Pole to show what a wonderful climate scientist I am.

And then, you know, I think it was, uh. It was sun ambulant. I thought there was

The Controversy Over Data Collection

Tom: some argument made already in the trial that Man himself did not collect the data. That was Bradley and Hughes and all Man did is, uh, he processed it. Do you know about that?

Phelim: Yeah, well, Man's lawyer, John B. Williams, said that. And man didn't even collect the data, you know, nothing that he was, he's a statistician, but that is what the [00:25:00] original article said.

They said that, that instead of molesting children, he molested, uh, data. So they're not, they're not saying he's out there with a ice pick, you know, or a drill getting core samples or whatever, cutting down trees to get three rings. They're saying. He got them and manipulated it. And so therefore, again, it's another, it's another one of these John B.

Williams, great points that actually backs up, uh, uh, the defense case. So, is it

The Long Road to Trial

Tom: true that Stein would have been ready to go to trial close to 12 years ago and was man's side, were they delaying it or what? Why did it take 12 years to get to this point? Well,

Phelim: yes, Mark Stein has always said from the beginning, um, looking forward to it.

In fact, that was another point, you know. When he, when man, when we wrote to them, their, their response, their shocking response was, yes, we'd look forward to seeing you in court, please, please, you know, so Markstein, he didn't want [00:26:00] any of this, you know, these legal, most of the legal shenanigans were from Michael Mann.

However, National Review and Competitive Enterprise Institute, they also took legal challenges, but Markstein has always been, uh, not wanting to lead a challenge over niceties, but to, um, to To go to court.

Media Coverage and Public Perception

Tom: Do you think this whole thing will get a lot of mainstream coverage because I haven't been seeing much yet or are they going to just push it off to the side if he loses or what's

Phelim: going to happen here?

No, it's a loser. It's a lose lose situation for the mainstream media. So therefore they won't cover it. Okay.

Tom: And actually speaking of that, uh, Tim Ball, uh, was involved in litigation with Mann and Tim Ball won, right? And he won a settlement. He won money, but Mann never paid. Is that correct?

Phelim: No, man, and he didn't want to settle man, man's case, man withdrew, right?

But under the British system, if you lose, if you withdraw, you pay the other person's legal fees, right? Not like the American system. So man owes all the [00:27:00] legal fees, all Tim Ball's legal fees, which he has refused to pay. And Tim Ball has

Tom: passed away and probably they're never going to get that money. I'm sure

Phelim: that, um, will be mentioned, uh, during the cross examination.

Tom: Okay.

The Impact of Simberg's Post

Tom: Another item I wanted to bring up here is, I think it's already been mentioned that, uh, Rand Simberg is another defendant, but his post that supposedly caused all this damage only got 17, 000 views over eight

Phelim: years. Oh yeah. So, so the, the, the reference to Jerry Sandusky was removed after one week, but since the post went up 12 years ago, it has received a total of 17, 000 views, right?

17, 000. So I would say. 7, 000 of those are various lawyers and journalists covering the case, right? Or maybe even 10, 000 of them. So, you know, it's received less than 10, 000 views and the offending, the alleged offending line was removed after one week. [00:28:00] So how, and no one, I mean, it was a bit tough to listen to, but his lawyer, Rand Sinberg's lawyer made a good point that Rand Sinberg is a nobody.

You know, he doesn't hang with DiCaprio. He doesn't hang with Al Gore. He doesn't, you know, they don't rate him. He doesn't win awards. He's just a scientist who cares about integrity, but nobody cares. Nobody rates his opinion. He doesn't write peer reviewed papers. So, therefore, why on earth would him writing in an obscure blog?

Damage Michael Mann's career or income.

The Role of Lawyers and Self-Representation

Tom: I did want to cover that, that Rand Sinberg has a lawyer representing him. Markstein is representing himself. Do they have other, does Markstein have other people, other lawyers in the room with him, advising him, or is it just him? It's just

Phelim: him. It's just him. Um, I think there's a system where he has a backup lawyer in case of illness, but I'm not quite sure how that works.

Um, because he, he is in ill health. [00:29:00] Um, but no, he has no, I, I, look, I'm not really the intricacy. It's a very crowded council's table. It's a very small courtroom and it was a very crowded council's table.

The Dynamics in the Courtroom

Phelim: And then at the beginning, Michael Mann find himself sitting perilously close to the defense and got himself moved.

It was really funny, you know, cause at the beginning, everyone was full of bonhomie, you know. John Williams was chatting to Mark Stein. Mark Stein was chatting to all, and man was just sitting there back like that, or no, he wasn't sitting there, he was standing there in complete horror that everyone was chatting away.

And then everyone sat down and man ended up sitting perilously close to the, to the peasants. And, uh, next thing engineered a switch and now he's sitting over at the far left, far away from everyone else.

Steyn's Previous Legal Victories

Tom: So this is not Stein's first trial or the first time representing himself, right? He has won some other cases representing

Phelim: himself.

This is the, when you live in an echo chamber, when you block [00:30:00] and bully, uh, and, and don't tolerate debate, you don't really understand your opponents. Like Mark Stein took on the Canadian human rights commission. And one, his case and got the law changed,

uh, Mark Stein was sued by a billionaire in the United States for 10 million.

Mark counter sued for 4 million, uh, and one plus interest, right? And for the last part of that case represented himself. So, um, these are, you know, he is a formidable legal foe. Uh, I think. Michael Mann did not realize this because he lives in an echo chamber.

The Jury Selection and Bias

Tom: Okay, uh, let's switch over and talk about the jury.

I have a few things that I wrote down here. Um, someone said that Matt, or uh, Mann, filed in D. C. He's well aware that the residents are 96 percent Democrat and it's a jury trial. Judge Irving had to call over 70 [00:31:00] jurors in order to find six of them, plus four alternates, willing to do impartial justice. And then Anthony Watts, I think, was watching online, and it was his opinion that a lot of this technical stuff is going to go right over the head of the jury.

Do you have any comments on any of that? Yeah, I don't,

Phelim: yes, um, I don't know, we were excluded from jury selection, which is unusual, I normally, uh, The courts I've been in, in America anyway, you're allowed to go to jury selection. That's the judge's decision. We were excluded from jury decision. Um, yeah, and you can, you can probably, you can assume they are 100 percent Democrat, the jury.

Um, I think that the technical aspects will go over their heads, but what didn't go over their heads was this man falsely claimed to be a Nobel prize winner. This man called a witness in the case, a white supremacist. Right. Um, and then he's, he's, he's asking for defamation proceedings, uh, [00:32:00] defamation winnings for, for, uh, for, for saying that he wasn't exonerated by Penn State.

There's a man who, who, who, who, Graham Spanier was the president of Penn State and was sent to prison. Like he was the president of a university. Um, and this is before Claudine Gay. This is, you know, this is when presidents of universities still had some kind of, uh, respect. He was sent to prison for child endangerment for covering up the Jerry Sandusky case.

Michael Mann, when he was arrested, Michael Mann thanked him in the foreword of his book. When he was, uh, convicted, after he was convicted, Michael Mann, Uh, thanked him in the foreword of his new book. And after he was released from prison, Michael Mann thanked him in the foreword of his book. So Michael Mann thanked Graham.

And Graham Spanier inserted himself into the investigation, into [00:33:00] Michael Mann. So, Mann is merely repaying the, uh, the debt he owes. But, you know, to, to have repeatedly thanked a, someone who covered up for a child abuser. I mean, as Mark Stein said to the jury. I don't know if you know any, uh, anyone who covered up a child abuse, a child abuser who endangered children, but would you thank them in public?

Would you thank them in your books? Frequently? I don't think you would. So the jury will understand that, that ordinary, real, decent human beings. Uh, don't thank child, child, people who enable child abusers. As Mark says, child rapists, um, you know, or real people don't do that. People who deserve, uh, defamation, defamation, uh, you know, awards don't do that.

Uh, so I think the jury can understand that. I'm

Tom: confused about what man's stance is on Jerry Sandusky, that he is insulted at being compared to him, but he believes when [00:34:00] Spanier, uh, covered up for Sandusky, that was okay, or how does this all work?

Phelim: That is the, uh, 20 million question, I suppose, you know? Um, yeah, there's no, there's no logic to that.

I object to being compared to Jerry Sandusky. I am now going to waste. Page after page of my books, uh, praising the man who, who covered up for him and allowed him to keep raping and abusing children.

Tom: Okay. Let's say a couple other things here.

The Impact on Mann's Funding

Tom: A man is trying to argue that somehow his funding went from 3 million to 500, 000 ~K~ per year because of Simberg and Stein.

Is that going to fly?

Phelim: Look, his lawyer said it happened right now as Mark, to quote Mark Stein, his lawyer plays fast and loose. So his lawyer says it did happen. Now, maybe man stopped doing research and took up full time tweeting and partying with Leonardo [00:35:00] DiCaprio, right? And, you know, look, once you become a celebrity academic, you get money from other sources rather than grant research.

Right. And, uh, you know, so maybe how much money did he get from public speaking those years? I don't know. Right. But, uh, so if you

decide if you can get 30, 000 or 50, 000 to speech. Right. And. You, but the pesky research stops you from going, uh, to all these speeches. Maybe you'd, you'd do less research for a year and, uh, make the, make the 2 million that way, you know, so look, that's mere speculation, but yes, his lawyer did say.

His, his earnings plummeted from 3 million to 500, 000 after these vicious attacks from the well known Ransomberg and his, uh, 17, 000 readers.

Celebrity Presence in the Courtroom

Tom: How about, uh, celebrities in the courtroom? [00:36:00] There was something about Bill Nye being there. He's a good friend of man and maybe impressing the jury or talking to the jury.

Phelim: People say they saw him talking to the jury. He did sit amongst the jury. Uh, and begin talking to them. Oh, sorry. He sat among the jury. I didn't see the talking. But other, other journalists said they did see it. And other people attached to the court said they did see it. So, uh, I mean, that's jury tampering in my opinion.

You know, I'm a friend of man's. I'm Bill Nye, the science guy. You know. Uh, have both

Tom: Nye and Mann only been there for the one day or is it multiple days? No, they, Nye,

Phelim: Nye was there, is there for a day and a half. Mann has been there every day. Oh, okay. But

Tom: he might not be there this week, or we don't know yet.

We

Phelim: don't know. Look, it's, it's a, it's a really hectic world being, um, you know, the Oscars are coming up, you know, uh, so he's probably going there and, uh, Sundance is on at the moment, so he may have to go there. Um, and of course, don't forget [00:37:00] Davos. So look, there's a lot of things, you know, for a busy young academic, like.

Tom: How about this other issue of a man's lawyer trying to tie Stein to Fox News and Stein saying, I don't have ties to Fox

Stein's Connection to Fox News

Phelim: News. Well, yes, he, man is a, Stein is a radio personality who, who has, uh, stood in on Fox news for Sean Hannity and is guest host for Rush Limbaugh and then Mark Steins got up and said, look, I've never had a contractual relationship.

With Fox News. I, uh, uh, Rupert Murdoch despises me. That's why I'm never a contract. I, we fell out 15 years ago, and, uh, I stopped going on Fox News three years ago when they wanted me to comment about Andrew Cuomo's dog, and I thought life's too short to talk about Andrew Cuomo's dog. So, uh, so, you know, I think it was like, I [00:38:00] despise Fox News as much as you do.

So, uh, um, you know, we, we, we, this is the start of a wonderful relationship.

Reflections on the Trial and Future Plans

Tom: So any other points you'd like to make before we go ahead and wrap up here?

Phelim: Um, no, no. I mean, uh, you can hear it all on climate change on trial on Apple podcasts, uh, leave a comment, leave a review. Let's make it the number one science podcast.

Let's get Michael Mann, try to block it as he does, uh, and get it, uh, that, you know, see how that works for him. Um, no, I mean, you know, in your reviews, ask me any questions. I don't listen. Um, no. I mean, Mark, I think we, we put up a large portion of Mark's statement, uh, uh, opening statement on our, on our episode three podcast and a noble man.

Um, but I think. Uh, the court doesn't sit on Friday, so we have nothing for a Saturday podcast, but we're thinking now of making the Saturday podcast a bonus episode [00:39:00] where we do the Mark Stein opening in full. So listen out for the, uh, Saturday podcast coming up, which what's the date. Anyone know the date out there, Eddie?

The 21st. The 20th. It's 21st right now. So that'll be the 27th. So yeah, the 27th of January, uh, on climate change on trial. You'll hear. The full, unexpurgated Uh, uncensored Mark Stein opening speech at the Mann versus Stein and Sinberg defamation trial.

Tom: Okay. And before we do sign off, I did want to mention your movie, Not Evil, Just Wrong in prep for this.

I watched it again. I watched it back in, uh, whenever 2009, excellent stuff that, uh, congratulations on making that. It's funny.

Phelim: It's funny. We should talk about that. We, we did. I mean, you probably know better than I do now. You haven't watched it recently, but there's a significant part of that that talks about the hockey stick.

We interview McKittrick and McIntyre. And, uh, [00:40:00] uh, and, you know, so, so at the time, uh, we were writing for other periodicals, you know, promoting, cross promoting the film and actually we had a cameo in the, uh, in the trial because as Mark said, this was written about many more times.

Right. Uh, uh, but man chose not to sue and my wife, Anne Hanney, who's in the court, she wrote about it for The Daily Telegraph back in 2008 or whenever, whenever the, whenever Sandusky, when Sandusky was initially arrested. She wrote about it six months before Berg and Stein wrote about it, and, and the headline on the piece was.

Uh, Sandusky and Mann, much in common question mark, you know, so he pointed, he turned around the delightful and perceptive Ann McElhinney. So yes, so yes, we, we've had, you know, we, I [00:41:00] call my wife the original sin of this case, you know, that, uh, so, um. Yes, it's, it's, it's, it's fun. You should listen to the podcast, but I mean, it's, uh, it's, it's great that, that people are finally getting their day in court and Michael Mann is suddenly realizing that, um, blocking and smearing doesn't work in a courtroom and, uh, it's a tough old gig.

All right.

Tom: Thank you very much for your time. I really enjoyed this talk and hope to talk to you later.

Phelim: Okay, Tom. Thanks. All the best. All right. Goodbye.