

March 29, 2015

Erik M. Conway, Ph.D.  
Historian and Expert on “Doubt”  
Jet Propulsion Laboratory  
Mail Stop 200-108  
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[Erik.M.Conway@jpl.nasa.gov](mailto:Erik.M.Conway@jpl.nasa.gov)

Re: Important Request Relevant to Defamation Within “Merchants of Doubt”

Dear Dr. Conway,

I am making a very important request to you that relates to your position as Jet Propulsion Laboratory (JPL) Historian and to your 2010 book “Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming.” This request is being made under the Freedom of Information laws that apply to California residents and/or U.S. Government employees.

The first part of my request is contained in this paragraph. Please indicate if you will immediately begin retracting and correcting, in an official manner, all of the defamatory statements made in “Merchants of Doubt” about four renowned and highly distinguished scientists: Siegfried Frederick Singer, Ph.D., Frederick Seitz, Ph.D., William Aaron Nierenberg, Ph.D., and Robert Jastrow, Ph.D. Also, please indicate if you will correct all of the defamatory statements that have been made about me during the past 12 years that originate from Stanton A. Glantz, Ph.D., UCSF American Legacy Foundation Distinguished Professor of Tobacco Control. Dr. Glantz’s UCSF Legacy Tobacco Documents Library is the acknowledged source for most of the “evidence” that is used to defame the four scientists in your book and to further defame Dr. Singer in the 2015 movie “Merchants of Doubt.” If you are willing to make these retractions and corrections as soon as possible, an Expert on Defamation and I, will work with you to make sure that your retractions and corrections are accurate and complete. Also, I will allow you to defer your response to the second part of my request until you have completed all requested retractions and corrections.

If you refuse the first part of my request, then please immediately complete the second part of my request, which is described below. Please state whether you are at present a paid employee of or principal contractor or subcontractor or other associate (hereinafter “personnel”) of JPL or NASA or any associated entity or legal person (hereinafter “the entities”); in what capacity you are employed; what are your duties; what has been your salary, wage, fee, or other emolument in each of the past five years (2010-2014); how much you have claimed in expenses in each of the past five years, by categories; and what additional payments, bonuses, benefits, dividends, emoluments, prizes, and pension entitlements whatsoever you have received in the past five years or is entitled to receive in future.

If you are no longer personnel of any of the above entities, please state when you ceased to be personnel and why, and what rules each of the entities has in relation to the use of those entities' names or facilities by you as former personnel of the entities or any of them.

Please state all of the academic qualifications that you hold, specifying the institutions awarding the qualifications and the dates, and describe the steps JPL took to verify those qualifications before engaging you.

Please state whether you have been notified that a formal complaint has been filed against you under the provisions of the Caltech Code of Conduct. If so notified, what did the JPL Ethics Office tell you about this complaint and what did you tell this office about your 2010 book "Merchants of Doubt" and its relationship to your duties as JPL Historian.

Please provide details of the scientific evidence, if any, in support of your assertion, made in your April 12, 2012 JPL slide presentation "The U.S. Media and Climate Confusion" ([http://www.jpl.nasa.gov/education/pdfs/conway\\_GHG.pdf](http://www.jpl.nasa.gov/education/pdfs/conway_GHG.pdf)), that "most climate scientists have agreed" that "humans are the *main* cause", as opposed to *a* cause, of the [0.3 K] warming of the Earth since the early 1990s.

Are you aware of the natural variability of global temperatures? If so, on the basis of what scientific evidence (other than that of an imagined "scientific consensus") do you consider a warming of 0.3 K over a quarter of a century to fall out of the known and inferred bounds of natural variability?

Are you aware that the *argumentum ad populum* and the *argumentum ad verecundiam* (the arguments respectively from head-count and from authority) were excoriated 2350 years ago by Aristotle as instances of common logical fallacies in which, *a priori*, the premises do not validly entail any conclusion?

Please state each of the propositions to which you imagine supporters of the "expert consensus" about global warming mentioned at the same reference adhere. How do you define that "expert consensus"? What evidence (other than that of an imagined "scientific consensus") do you have that each of the propositions to which you think supporters of the "expert consensus" adhere is objectively true?

Please state whether and on what grounds your slide presentation referenced herein falls within your JPL remit, and, if not, why the presentation is hosted on JPL's server.

Please state whether your slide presentation is chiefly political rather than scientific or historical in character and is, therefore, not only outside your JPL remit but also a breach of the general civil service principle or of any relevant rules of any of the entities debarring personnel funded from taxpayers' funds or operating at or in association with entities receiving taxpayers' funds from using publicly-funded time or facilities to promote a particular partisan political viewpoint or agenda, and, if so, why the offending presentation continues to be hosted on JPL's server.

Please supply copies of all relevant ethics rules of any of the entities by which you are bound, and particularly (but without limitation) any ethics rules touching upon your obligations not to publish using your JPL title or any medium of information under the control of any of the entities any scientific or other

statements that are untrue, unfair or unjustifiable *in se*, or that untruthfully, unfairly, unreasonably, or unjustifiably impugn the scientific reputations of others.

Please state what procedures each of the entities has for receiving, processing, and determining complaints against you on grounds of professional misconduct in that you are alleged to have published information using JPL's name, information media, or facilities knowing that information to be in substance false or being reckless or negligent as to whether it was in substance true or false, and that you have published allegations against a vulnerable scientific colleague knowing those allegations to be false or being reckless or negligent as to whether the allegations were true or false.

Please itemize all grants or other funds received by any of the entities or any of their personnel (including without limitation your own) in each of the past five years in respect of research into climate change, the history of climate change or any topic related thereto, specifying in each case the source, the amount, the purpose, the names of the applicants for and recipients of the grant or other funds, and what deliverables were to be supplied, and to whom, in return for the grant or other funds.

Please supply copies of all contracts between any of the entities or of their personnel either among themselves or with any third party whatsoever over the past five years in respect of each grant or other funding received by the entities or any of their personnel in respect of research into climate change or any topic related thereto.

Please take my letter very seriously and acknowledge receipt of it by April 1, 2015, either by emailing or telephoning me. Please indicate whether you intend to comply with the first part of my request and/or the second part of my request or neither part. Before deciding how to respond, I recommend that you first examine a related legal matter known as THE FELDENSTEIN CASE, both the original case from the 1930s and the recent case that ended this year. The best explanation of THE FELDENSTEIN CASE is given in the "For Love of Country" statement by Dr. Ernst Janning. You need to realize that this case is directly connected to both "Merchants of Doubt" and to Figure 29 in your previously cited JPL slide presentation.

If you do not acknowledge my letter by April 1, 2015, then the Expert on Defamation cited above will contact you, the JPL Ethics Office, the JPL Leadership, and/or those with ultimate oversight over JPL.

Thank you very much for your prompt attention to my very important letter.

Sincerely yours,



James E. Enstrom, Ph.D., M.P.H.  
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