

STATEMENT CONCERNING LAWSUIT BROUGHT BY PROF. MARK Z. JACOBSON

Prof. Mark Jacobson filed his complaint against the National Academy of Sciences and Dr. Christopher Clack only after many unsuccessful attempts, both before and after publication, to have the scientific record corrected. His lawsuit does not seek to litigate science, but rather to respect and protect the process and rules that govern it and protect all of its stakeholders. NAS has a system in place for its journal, *PNAS*, to allow discourse and criticism of scientific methods and results. This system is through the normal process of writing up to 500-word letters and replies (where letters are “brief online comments that allow readers to constructively address a difference in opinion with authors of a recent *PNAS* article”), ensuring only those substantially contributing to the work are listed as coauthors, and ensuring that work is free of falsification and fabrication, among others.

However, when it came to Prof. Jacobson's article, *Low-cost solution to the grid reliability problem with 100% penetration of intermittent wind, water, and solar for all purposes*, published in 2015, *PNAS* ignored its own policies by allowing Dr. Clack and his co-authors in 2017 an opportunity to publish a lengthy article, not under the category of letter, which is for differences of opinion, but under the category of a “Research Report,” which is reserved for “original research of exceptional importance.” Not only did the authors of the Clack article never even request the model output of Prof. Jacobson and coauthors until 3 weeks after the Clack paper was published, but they also listed 18 out of 21 authors even though they acknowledged not to have performed research for the article. Further, Prof. Jacobson warned both the journal and Dr. Clack and coauthors that the Clack article made several factually false material statements (not just differences of scientific opinion), such as claiming at length that a Table contained maximum values when it contained average values and falsely claiming they were unaware of an assumption Prof. Jacobson made. Prof. Jacobson repeatedly requested that the falsities be corrected prior to publication. Under the Council of Publication Ethics (COPE), which *NAS* subscribes to, every such allegation must be investigated by the *PNAS* editor, but there is no indication that *PNAS* did so in this case. Only when all efforts were rebuffed did Prof. Jacobson resort to litigation. The damage to Prof. Jacobson's reputation resulting from the inaccurate information in and public dissemination of the Clack Article is significant.

To reiterate, Prof. Jacobson's lawsuit concerns remedying falsification of material facts, *NAS/PNAS* allowing the false information to be published despite Prof. Jacobson's informing the editorial board of *PNAS* and the Clack authors about these facts ahead of time, and the violation of other *PNAS* policies that enabled the false information to be propagated more readily to the public.