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The Failure of Science and the Triumph of Politics: Global Warming

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Abstract

This paper examines the costs of regulation based on the assumption that global warming is caused by human activities. It then describes the political origins of current global warming, and contrasts it with a longer view of known science, which reveals periodic cooling and warming cycles. The assertions of a scientific consensus are examined and discounted because of faulty and selective techniques. The rejection of traditional scientific results is justified as based on public policy preferences of crisis advocates. Finally, both the costs and prospective benefits of normal global warming are examined.

Keywords: *Global warming, Political origins, Costs of regulation, Public policy*

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1. Introduction

Some more elderly readers may recall the fairy tale “*Chicken Little: The Sky is Falling*.”¹ Chicken Little is hit on the head by a falling acorn, and concludes that the sky is falling. She decides to warn the king (as if he could stop such an event), and on the way encounters several friends whom she tells about her experience and mission. While some are skeptical, they join her. At the end, one of them bumps a tree and causes acorns to fall, revealing to Chicken Little what she had first experienced. This, in a nutshell, is what we are currently experiencing with the “climate change crisis.” But no more acorns are falling, or if they are, they are being largely ignored.

This has been an opportunity for government to take far more control over human life than would otherwise be tolerable. In Part II briefly trace some of those costs, as well as the expected costs of Securities and Exchange Commission’s (SEC) proposed new disclosure rules, which seem implicitly if not explicitly to add additional regulations and costs on emissions.

The potential remains for much more. As Rahm Emanuel once said, “You never let a serious crisis go to waste. And what I mean by that it’s an opportunity to do things you think you could not do before.”² Other politicians have expressed similar thoughts, but many used climate change to create a crisis where none existed. And politicians jumped

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¹ <https://www.dltk-teach.com/fairy-tales-chicken-little/pstory.asp>.

² Rahm Emanuel, at <https://www.goodreads.com/quotes/717228-you-never-want-a-serious-crisis-to-go-to-waste> (last visited 1/8/2022). Long before Rahm Emanuel used this expression during the great recession of 2008, Sir Winston Churchill is credited with first saying, “Never let a good crisis go to waste.”

at the opportunity to control human activity, and become “masters of the universe,” although there was no evidence that altering human behavior would change the climate. Indeed, one political science professor has written:

“... during [the Covid-19 pandemic] severe limitations on free movement and association have become legitimate techniques of government. Climate change poses an even graver threat to public safety. Consequently, I argue, legitimacy may require a similarly authoritarian approach.”³

2. The Costs of Government Change Mandates

The banning of fossil fuels for internal combustion engines, subsidization of electric vehicles, banning of pipelines, closure of federal lands to drilling, and forcing private citizens to consider abandoning their normal energy sources.⁴ Current federal proposals would require new vehicles to average 52 miles per gallon—an impossible standard—forcing a shift to electric vehicles.⁵ In addition, these actions destroy jobs in the energy industry. Renewables such as solar and wind, and even hydropower, are far less reliable, requiring costly back-up generators, which, ironically, will burn carbon fuels.⁶ The remaining alternative is additional nuclear power, which is enormously costly, as ratepayers in Georgia are discovering with the construction of the most recent plant. The two new units’ estimated costs have doubled from \$14 bn to \$28.5 bn during a very lengthy construction that included the bankruptcy of Westinghouse.⁷ As users are forced to return to coal, oil and natural gas, the price of these neglected sources has risen dramatically, with the price of coal tripling and natural gas increasing five-fold. These skyrocketing costs have forced costs to rise for manufacturers of aluminum and steel, basics for much manufacturing.⁸

Recently the SEC proposed drastic new disclosure requirements for registered companies.⁹ The justification was that large investors supported the need for more detailed environmental information. Ironically, several of the largest investors cited—BlackRock and Vanguard—are primarily index investors with few stock-picking costs.¹⁰ One wonders if this is not virtue-signaling rather than materially useful information. The false premise was that climate change can trigger costly natural disasters, such as drought, flooding, freezing, severe storms, tropical cyclones, wildfires and winter storms.¹¹ The contrast between some of the items—drought and flooding, tropical cyclones and winter storms, for example raises the question of whether anyone has examined the actual causes of these events, or simply blamed

Long before Rahm Emanuel used this expression during the great recession of 2008, Sir Winston Churchill is credited with first saying, “Never let a good crisis go to waste.” He said it in the mid-1940s as we were approaching the end of World War II. Churchill was referring to Yalta and the alliance forged between himself, Stalin and Roosevelt, an unlikely trio that would lead to the formation of the United Nations, creating opportunities in the midst of a crisis <https://kloudlearn.medium.com/never-waste-a-good-crisis-8018c7d93e17> (last visited 1/11/2022).

³ Ross Mittiga, *Political Legitimacy, Authoritarianism, and Climate Change*, Published online by Cambridge University Press (December 6, 2021) <https://www.cambridge.org/core/journals/american-political-science-review/article/political-legitimacy-authoritarianism-and-climate-change/E7391723A7E02FA6D536AC168377D2DE#> (last visited 2/1/2022).

⁴ England was reported to have required carbon-efficient heat pumps in new homes by 2025, thus phasing out natural gas. Joseph C. Sternberg, *Many Climate Ambitions Will End With 2021*, *Wall St. J.*, 12/31/21, p. A15.

⁵ “The tailpipe emissions regulations enacted by the Obama administration in 2012 required that passenger vehicles sold by automakers achieve an average of roughly 51 miles per gallon by 2025. Mr. Trump loosened the standard in 2020 to about 44 miles per gallon by 2026. The new Biden standard would be 52 miles per gallon by 2026.”

Biden, in a Push to Phase Out Gas Cars, Tightens Pollution Rules, *New York Times*, August 5, 2021, at <https://www.nytimes.com/2021/08/05/climate/biden-tailpipe-emissions-electric-vehicles.html#>: (last visited 1/14/2021). One alternative is a motorcycle. The popular Harley Davidson Road King averages 42 miles per gallon, https://www.fuelly.com/motorcycle/harley_davidson/flhr_road_king, but the most efficient full size BMW R1200 GS obtains the same mileage. There are smaller motorcycles that obtain greater mileage. <https://ripsandrives.com/most-fuel-efficient-motorcycles/?msclkid=20b17b0cb1f911ecbb2877b80ed31090> (both last visited 4/1/2022).

⁶ The severe winter storm in Texas in February 2021 left nearly 4.5 million people without power. <https://uh.edu/hobby/winter2021/storm.pdf>(last visited March 30, 2022). Solar and wind are subject to weather variances, and the current western U.S. drought has put some hydropower sources at risk. The drought conditions smothering the West are crippling hydropower production with hydro-generation’s share of energy production forecast to be 6.5% this year – the lowest it has been since 2015, according to the US Energy Information Administration (EIA), at <https://www.euci.com/western-drought-hurts-hydropower-production-california-among-the-hardest-hit-states/#:~:text=The%20drought%20conditions%20s> (last visited 3/30/2022).

⁷ https://en.wikipedia.org/wiki/Vogtle_Electric_Generating_Plant?msclkid=324cf25ab1f511ec9af8cda2b345f789 (last visited 4/1/2022).

⁸ Allysia Finley, *Climate Policy Meets Cold Reality*, *Wall St. J.*, 9/28/2021, p. A17.

⁹ Securities and Exchange Commission, *The Enhancement and Standardization of Climate-Related Disclosures for Investors*, Release Nos. 33-11042; 34-94478; File No. S7-10-22, 17 CFR 210, 229, 232, 239, and 249, at <https://www.sec.gov/rules/proposed/2022/33-11042.pdf?msclkid=9b8f5625adfc11ec867ba498bba6c925> (the “Release”).

¹⁰ *Id.* at 19, fn. 38.

¹¹ *Id.* at 10, citing NOAA, National Center for Environmental Information, *Billion Dollar Weather and Climate Disasters: Summary Stats* (3rd Quarter release 2021), available at <https://www.ncdc.noaa.gov/billions/summary-stats/US/2020>.

everything bad on climate change. This ignores studies that show that catastrophic weather events have not increased, and in some cases decreased in modern times.¹² And it ignores questions of whether the SEC is proposing to exceed its statutory authority, as SEC Commissioner Hester Peirce has argued.¹³

Next, the proposal concedes that some future costs may be the product of regulations, which are unpredictable and typically underestimated.¹⁴ For companies other than Smaller Reporting Companies, the SEC estimates annual costs of \$420,000, after higher first-year costs.¹⁵ In addition to advice from an anonymous commentator, the Commission used a survey of three unnamed companies, one European-based and two with US bases.¹⁶ Anecdotally, a large-cap energy firm reported using 20 employees nearly full-time to produce a report. A commentator reported six companies spent between 7,500 to 10,000 employee hours annually and fees for annual advisory services ranging from \$50,000 to \$1.35 mn. The release also mentions an impact statement from the UK that contains its own estimates—not facts.¹⁷ Other commentators reveal a wide variety of estimates. One can only say that none of these studies are thorough or scientific, leaving future compliance costs as anyone's guess.

The proposal calls for disclosure of Greenhouse Gas Emissions at three levels: Scope 1 measures direct GHG emissions from company-owned or controlled machinery or vehicles. Scope 2 involves emissions from the generation of electricity purchased by the company, while Scope 3 are emissions from sources other than the company, presumably from production of goods and services purchased by the company.¹⁸ This assumes without discussion that the SEC knows what causes global warming, when the discussion in Part II below makes it clear that serious scientists confess ignorance on this issue. Politicians are apparently not bothered by their ignorance.

3. The Recent History of Climate Change and its Studies

All of this began with the 1990 report of the United Nations' Intergovernmental Panel on Climate Change (IPCC), updated in 1992 ("Second Report").¹⁹ The scientists' draft stated that "To date, pattern-based studies have not been able to quantify the magnitude of a greenhouse gas or aerosol effect on climate."²⁰ In truth, while there is evidence changes in sunspots and changes in the sun's radiance, scientists lack a full understanding of the causes of climate change.²¹ Change began with the Kyoto Protocol of 1997, which assumed that a global warming signal had been detected in the previous hundred years.²² While this is reasonably accurate, the response was increasing panic and proposals for costly responses, all of which assumed that man's activities had brought this about. Corporate scholars Frank Easterbrook and Daniel Fischel put it this way in describing concerns about shareholders:

"Suppose the world is static. Everyone awakes one morning to find himself a manager or an investor. The veil of ignorance is suddenly parted. The manager exalts: 'Aha! No one can stop me!' The investors gasp: 'woe is me, I'm powerless.' This is the natural view of one who draws a line at a moment in time without asking how the world came to be as it is."²³

The late Professor S. Fred Singer took a different approach, described in his book, *Unstoppable Global Warming: Every 1,500 Years*.²⁴ Reviewing massive amounts of empirical studies, he traced the scientific record back through ice

¹² S. Fred Singer *et al.*, *Hot Talk, Cold Science* (3d ed., 2021), 97-103.

¹³ Hester M. Peirce, We are Not the Securities and Environment Commission - At Least Not Yet, at <https://www.sec.gov/news/statement/peirce-climate-disclosure-20220321> (last visited 4/1/2022).

¹⁴ Release, *supra* note 9 at 11, text at note 15.

¹⁵ *Id.* at 386.

¹⁶ *Id.* at 387.

¹⁷ *Id.* at 390.

¹⁸ Release, *supra* note 9 at 41-42.

¹⁹ <https://www.ipcc.ch/report/climate-change-the-ipcc-1990-and-1992-assessments/> (last visited 2/1/2022).

²⁰ S. Fred Singer, *et al.*, note 12, at 56 (quoting the 1992 assessment (AP2) at 434).

²¹ S. Fred Singer and Dennis T. (2008). A Very, Unstoppable Global Warming: Every 1,500 Years, 4-6. "The current generation of models is still unable to represent properly the real-world oceanic and atmospheric processes. The existence of these and many other well-evidenced scientific uncertainties demonstrates that teaching student about the climate must include discussions of how complicated the Earth's system is and why we cannot possibly have all the answers to every question about how and why climate changes." David R. Legates, *et al.* (2015). Climate Consensus and "Misinformation": A Rejoinder to Agnotology, Scientific Consensus and the Teaching and Learning of Climate Change, 24 *Science & Education*, 299, 303.

²² Singer *et al.*, *supra* note 12 at 43.

²³ Frank H. Easterbrook. and Daniel R. (1989). Fischel, Contractual Freedom in Corporate Law: The Corporate Contract, 89 *Colum. L. Rev.*, 1416, 1419.

²⁴ *Unstoppable Global Warming*, *supra* note 21.

ages, later writing that greenhouse warming has been with us for at least 440 million years, in his last book, *Hot Talk, Cold Science*.²⁵ He notes what the crowd of climatologists have failed to notice: the deep drilling of nearly mile long ice cores in Greenland going back 250,000 years revealed what the scientists originally thought was a 2,500 year temperature cycle, later reduced to 1,500 years (plus or minus 500 years).²⁶ The most recent major warming was the “Roman Warming,” which resulted in wine grapes being grown in Great Britain, an island in the North Atlantic being named “Greenland,” and part of Labrador being called Vinland because it supported grape growing.²⁷ The Roman Warming was followed by the Dark Ages Cold Period (AD 400 and 765),²⁸ the Medieval Warm period from 950 to 1250,²⁹ followed some years later by the Little Ice Age, which and lasted until 1860.³⁰ The current warming cycle began at that time, with a break about 1940, when some climate scientists became concerned about a possible returning Ice Age, until warming returned about 1975.³¹ Once again, from 2001 until at least 2013, temperatures did not rise.³² All of this evidence falsifies the currently popular hypothesis that climate change is caused by man’s increasing consumption of carbon fuels.³³ The oceans are the great storehouse of CO₂, and warming causes evaporation, thus releasing CO₂, and are responsible for most of the greenhouse effect.³⁴ Worse, man-caused climate change advocates have been forced to ignore Al Gore’s sensational 2006 film, “An Inconvenient Truth,” which won the Nobel Peace Prize, predicting that the oceans would rise by twenty feet, demonstrating the gullibility of that particular Nobel committee. A High Court judge in the United Kingdom ruled that the movie contained nine key scientific errors and could only be distributed to schools in England if it were accompanied by 77 pages of corrective guidance notes to prevent ‘political indoctrination’.³⁵ A 2017 report using accurate satellite data found average warming of 0.10 °C per decade since 1979 which suggests it would take a century to rise 1 °C in a century.³⁶

Legates *et al.* (2013) have pointed out the fundamental error of man-made global warming:

The logical fallacy of false cause here arises from the premises: (1) that carbon dioxide is a greenhouse gas; (2) that atmospheric concentrations of it have been increasing since 1958; and (3) that global average temperatures have increased since 1900. But the conclusion that rising global temperatures must be chiefly attributable to increasing carbon dioxide concentrations does not necessarily follow.³⁷

Despite these difficulties with the claims, it is widely accepted that a vast percentage (97%) of all scientists agree that human activities are causing climate change. The errors in this claim have been exposed by Legates *et al.*:

For example, Doran and Zimmerman (2009) sent a 2-min. online survey to 10,257 Earth scientists at universities and government research agencies. Of the 3,146 respondents (a 31% return rate), only 5% identified themselves as climate scientists and only a mere 79 (2.5%) listed ‘climate science’ as their area of expertise, having published more than half their recent peer-reviewed papers on climate change. Of these 79 respondents, 98% believed human activity was a significant contributing factor in changing mean global temperatures. Furthermore,

²⁵ Singer, *supra* note 12 at 95.

²⁶ *Id.* at 16-17, 62, citing W. Dansgaard *et al.*, North Atlantic Climatic Oscillations Revealed by Deep Greenland Ice Cores, in *Climate Processes and Climate Sensitivity*, (J.E. Hansen *et al.*, (1984).

²⁷ https://en.wikipedia.org/wiki/Roman_Warm_Period (last visited 1/6/2022). See also S. Fred Singer *et al.* (1992). What to Do about Global Warming: Look Before You Leap, *Cosmos: A Journal of Emerging Issues*, 5(2)(Summer), quoted in Singer, *supra* note 12 at 33.

²⁸ Samuli Helama *et al.* (2017). Dark Ages Cold Period: A Literature Review and Directions for Future Research, <https://journals.sagepub.com/doi/10.1177/0959683617693898> (last visited 1/8/2022)/

²⁹ Singer, *supra* note 12 at 59.

³⁰ *Id.* at 33.

³¹ *Id.* at 17-18.

³² Legates *et al.*, *supra* note 21 at 304. The IPCC admitted this in its 2013 report (AR5, p. 5).

³³ Hypotheses, such as man-caused global warming, are made to be tested and falsified, under normal scientific methods. Karl Popper, *Logik der Forchung*. (1934). reprinted in 1959 as *The Logic of Scientific Discovery*, London: Hutchinson & Co., p. 480. See also Singer, *supra* note 12 at 187 and Legates, *supra* note 21 at 305.

³⁴ Singer, *supra* note 12 at 92. Singer writes that the human contribution to CO₂, is small, just 0.52% of the carbon entering the atmosphere every year because most carbon is absorbed by the oceans and biosphere. *Id.* at 96.

³⁵ *Id.* at 312.

³⁶ Christy, J.R. *et al.* (2018). Examination of Space-Based Bulk Atmospheric Temperatures Used in Climate Research, 39 *International Journal of Remote Sensing*, 3580-3607. Satellite data is more accurate than land-based measures that have been influenced by increasing growth of metropolitan areas that are heat centers, perhaps because of local surface heating processes unrelated to greenhouse gases. Singer, *supra* note 21 at 144, citing De Laat, A.T.J. and Maurellis, A.N. (2004). Industrial CO₂ Emissions as a Proxy for Anthropogenic Influence on Lower Tropospheric Temperature Trends, *Geophysical Research Letters*, 31.

³⁷ Legates *et al.*, *supra* note 21 at 302.

respondents were not asked whether they believed the anthropogenic contribution to global warming was or might become sufficient to warrant concern or the adoption of a ‘climate policy’.³⁸

This error was repeated in another study that examined abstracts of scientific papers (rather than their contents and conclusions).³⁹ More accurate surveys have led to opposing conclusions.

“A 1997 survey of US State Climatologists (the official climate monitors in each of the fifty states) found 90% agreeing that ‘scientific evidence indicates variations in global temperature are likely to be naturally occurring and cyclical over very long periods of time.’ In 1998, more than 17,000 scientists signed the ‘Oregon Petition,’ expressing doubt about man-made global warming and opposing the Kyoto Protocol.”⁴⁰

Why is all this ignored? One answer is suggested below.

4. Politics and Climate Change

In 1990 the IPCC produced its first scientific assessment (AR1) that concluded “some of the global warming since 1850 could be a recovery from the Little Ice Age rather than a direct result of human activities.”⁴¹ But politicians had taken the bait. By 1988, in response to a drought, then Senator Timothy Wirth served on a committee to which a NASA scientist had testified before his committee that he was “99%” sure that climate change was here. But the scientist also advised against taking any hasty actions based on the 1998 drought.⁴² But by 1996, Wirth was Under Secretary of State for Global Affairs and head of the US delegation, and wrote the Second Council of Parties (COP2) that “The science calls upon us to take urgent action.”⁴³ This was the same year Al Gore’s sensational 2006 film, “*An Inconvenient Truth*,” which won the Nobel Peace Prize, predicting that the oceans would rise by twenty feet, was released.⁴⁴ The “climate change crisis” has also been blamed for all sorts of weather ills. Recently President Biden attributed the modern drought in the western US to the climate change crisis. Apparently he can’t remember the great drought that created the Dust Bowl in the 1930s. There is little if any support for claims of increases in catastrophic weather, but memories are short.⁴⁵

In his last book, with co-authors David R Legates and Anthony R Lupo, *Hot Talk, Cold Science*, he explains how this molehill of gradual climate change has been converted into a man-made “crisis.” He traces the reports of the IPCC from 1990. The second assessment provided the following conclusion in its summary for policymakers: “that the climate changes of the past century are ‘unlikely to be due entirely to natural fluctuations’ and that ‘the balance of the evidence suggests a discernible human influence on global climate.’” This summary, in Singer’s words, “misrepresented the findings of the study itself, where one reads, ‘To date, pattern-based studies have not been able to quantify the magnitude of a greenhouse gas or aerosol effect on climate.’”⁴⁶ It also ignored the findings of AR1 that “some of the global warming since 1850 could be a recovery from the Little Ice Age rather than a direct result of human activities.” And this disparity between summary and study continued through successive reports.

This conflict between the scientific report and its summary was protested by numerous scientists who participated in the study. One of them, Frederick Seitz,⁴⁷ published his objections in the *Wall Street Journal* on June 12, 1996: “A Major Deception on Global Warming.” He wrote that the scientists had reviewed what they believed was the final report,

³⁸ *Id.* at 307.

³⁹ Legates et al also report “Cook *et al.* (2013) after a subjective review of only the abstracts of 11,944 papers on climate change which “matched the topics ‘global climate change’ or ‘global warming’” (p. 1), conclude that 97.1% of those that expressed an opinion endorsed the hypothesis as defined in their introduction (i.e., the standard definition). However, 66.4% of the abstracts had expressed no position. Thus, 32.6% of the entire sample, or 97.1% of the 33.6% who had expressed an opinion, were said to be in agreement with the standard definition. However, inspection of the authors’ own data file showed that they had themselves categorized only 64 abstracts, just 0.5% of the sample, as endorsing the standard definition. Inspection shows only 41 of the 64 papers, or 0.3% of the sample of 11,944 papers, actually endorsed that definition.” *Id.* at 307.

⁴⁰ Unstoppable Global Warming, *supra* note 21 at 124. There have been disputes about the qualifications of many of the signees of the petition, who self-identified their qualifications and positions. To my knowledge no one has vetted the qualifications of participants in earlier surveys.

⁴¹ Singer, *supra* note 12 at 90.

⁴² *Id.* at 20.

⁴³ *Id.* at 42.

⁴⁴ <https://scienceline.org/2008/12/ask-rettner-sea-level-rise-al-gore-an-inconvenient-truth/> 1 (last visited 1/8/2022). See text *supra* note at 35. The current state of the oceans also speaks for itself. *Res ipsa loquitur*.

⁴⁵ Singer, *supra* note 12, at 97-103. He notes that the frequency of thunderstorms decreased during the second half of the twentieth century and more recently in Australia, Canada, Europe, New Zealand and the United States. He notes that heat waves are not becoming more common in the United States, nor are droughts.

⁴⁶ *Id.* at 56.

⁴⁷ President Emeritus of Rockefeller University and former president of both the National Academy of Sciences and the American Physical Society.

only to find that “...more than 15 sections in Chapter 8 of the report—the key chapter setting out the scientific evidence for and against a human influence over climate—were changed or deleted after the scientists charged with examining this question had accepted the supposedly final text. Few of these changes were merely cosmetic; nearly all worked to remove hints of the skepticism with which many scientists regard claims that human activities are having a major impact on climate in general and on global warming in particular.”

The next report was in 2001, and contained the infamous “hockey stick” graph, published in 1998, showing a dramatic upswing in temperatures, created by a junior scientist, Michael Mann, who erased earlier warming periods from the graph in order to show a dramatic increase in recent temperatures.⁴⁸ Mann was then nominated to be an author on the IPCC Third Assessment Report. Later in 1998 he heard that he had been selected as a lead author for the “observations” chapter of the Working Group I report.⁴⁹ The unethical attempts of the editors to suppress contrary findings was exposed in 2009, which, together with a later report, became known as “Climategate.”⁵⁰ This resulted in Professor Singer’s organizing a group of scientists to independently review the scientific evidence, and to publish their own reports, which challenged the UN reports’ conclusions. The details are contained in Singer’s book.⁵¹

This conflict is unheard of in the scientific community. As Frederick Seitz wrote in his *Wall Street Journal* paper, “In my more than 60 years as a member of the American scientific community, including serving as president of both the National Academy of Sciences and the American Physical Society, I have never witnessed a more disturbing corruption of the peer-review process than the events that led to this IPCC report.”⁵²

In the 2013-14 report the IPCC walked back some of its earlier claims, admitting that the warming rate for 1998-2012 was smaller than previously calculated and acknowledged a deceleration of the warming rate since 1951 rates, despite an increase in CO₂ levels during this period. It abandoned and repudiated the notorious “hockey stick” graph of earlier reports. There were nine separate walk-backs from earlier reports. Indeed, NASA reports global warming of only 1.1 °C since 1880.⁵³ But the 2021 report returns to the same old crisis rhetoric.⁵⁴ Much of it is patently false, as the “Headline Statements” claim, *inter alia*, that

“The scale of recent changes across the climate system as a whole and the present state of many aspects of the climate system are unprecedented over many centuries to many thousands of years. [Worse:] “Human-induced climate change is already affecting many weather and climate extremes in every region across the globe. Evidence of observed changes in extremes such as heat waves, heavy precipitation, droughts, and tropical cyclones, and in particular, their attribution to human influence, has strengthened since the Fifth Assessment Report (AR5).⁵⁵

This is another example of the “woe is me” born yesterday science. Other research suggests this is not a new phenomenon.⁵⁶

The 2021 Glasgow Climate Pact continues the recitals of unrealistic goals and the unlikelihood that they will be met: The pact “Reaffirms the Paris Agreement temperature goal of holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 °C above pre-industrial levels” and “Recognizes that limiting global warming to 1.5 °C requires rapid, deep and sustained reductions in global greenhouse gas emissions, including reducing global carbon dioxide emissions by 45% by 2030 relative to the 2010 level and to net zero around mid century, as well as deep reductions in other

⁴⁸ Singer, *supra* note 12, at 59.

⁴⁹ https://en.wikipedia.org/wiki/Michael_E._Mann#cite_note-29 (last visited 1/11/2022).

⁵⁰ Andrew W. Montford. (2010). *The Hockey Stick Illusion: Climategate and the Corruption of Science*. and Costella, ed., *The Climategate Emails* (2010), cited in Singer, *et al.*, *supra* note 12, at 77. Note that both of these books are self published, a topic to which we will return later. The Climategate emails can be found at <https://sealevel.info/FOIA/>

⁵¹ Singer, *supra* note 12, at 87, 104-105.

⁵² Frederick Seitz. A Major Deception on Global Warming, *Wall St. J.* (June 12, 1996), reproduced in Singer, *supra* note 12 at 68-70.

⁵³ <https://climate.nasa.gov/vital-signs/global-temperature/> (Last visited 1/16/22). This is generally consistent with recent adjusted IPCC reports of 1.0 °C (with a likely range of 0.8° to 1.2° from pre-industrial levels. The IPCC predicts a more rapid increase to 1.5° between 2030 and 2052. This projection assumes a reduction in emissions of between 40-60% during this period. No explanation is offered for why temperatures would warm at an increasing rate while emissions are reduced. https://www.ipcc.ch/sites/2/2019/06/SR15_Hheadline—statements.pdf. (last visited 1/19/2022).

⁵⁴ Singer, *supra* note 12, at 60-68.

⁵⁵ Headline Statements from the Summary for Policymakers, at https://www.ipcc.ch/report/ar6report/IPCC_AR6_WGI_Hheadline_Statements.pdf. (Last visited 1/15/22). But see Koonin, *infra* note 62.

⁵⁶ Legates, *supra* note 21 at 311; NASA report, *supra* note 53.

greenhouse gases.” However, achieving the target is not ensured, as with existing pledges the emissions in the year 2030 will be 14% higher than in 2010.⁵⁷

This failure is consistent with Professor Singer’s predictions that global warming is unstoppable, largely because human-caused greenhouse gases have little to do with it. And yet the fiction remains that warming is caused by these greenhouse gases, and that this represents the scientific “consensus.”⁵⁸ Legates *et al.* (2013) describe this as “post-modern” science (sometimes referred to as “post-normal” science),⁵⁹ based on “the post-modernist assumption that the truths that are the end and object of scientific inquiry are discernible by reference to the existence of a consensus among climate scientists, and upon the further assumption that such a consensus exists.”⁶⁰ The authors then note how this approach completely rejects the “falsification of hypothesis” test described by Karl Popper.⁶¹

What could explain this apparently widespread adoption of a new and false methodology? Singer *et al.* (1992) offer a persuasive explanation: Both funding, prominence and academic promotion depend upon receiving grants to support research, which includes generous amounts of overhead for the university’s coffers.⁶² Professor Emeritus Richard S. Lindgren of MIT stated that “Nothing better illustrates the fact that we are dealing with a political *cum* religious cult rather than science where the quest for power overwhelms scientific inquiry. Alas, even scientists are often attracted by power and public recognition.⁶³ Scientists prominent in the IPCC have confessed to their political motivations.⁶⁴ Hulme and Mahony’s paper contains the following startling admission:

“Within a capitalist world order, climate change is actually a convenient phenomenon to come along.”

In his paper, *The Appliance of Science*, the Guardian, (3/17/2007),⁶⁵ Hulme defended his “post-normal” science. First, he conceded that Professors Singer and Avery were proceeding in a manner widely accepted as science:

“Two scientists—one a climate physicist, the other a biologist—have written a book arguing that the warming currently observed around the world is a function of a 1,500-year “unstoppable” cycle in solar energy. The central thesis is linked to evidence that most people would recognize as being generated by science. But is this book really about science?

“It is written as a scientific text, with citations to peer-reviewed articles, deference to numbers, and adoption of technical terms. A precis of the argument put forward in the book by Fred Singer, an outspoken critic of the idea that humans are warming the planet, and Dennis Avery is that a well-established, 1,500-year cycle in the Earth’s climate can explain most of the global warming observed in the last 100 years (0.7C), that this cycle is in some way linked to fluctuations in solar energy, and because there is nothing humans can do to affect the sun we should simply figure out how to live with this cycle.”

But then he proceeds to show that politics, rather than real science, is more relevant:

“The danger of a “normal” reading of science is that it assumes science can first find truth, then speak truth to power, and that truth-based policy will then follow.”

“Self-evidently *dangerous climate change will not emerge from a normal scientific process of truth seeking*, although science will gain some insights into the question if it recognizes the socially contingent dimensions of a

⁵⁷ https://en.wikipedia.org/wiki/2021_United_Nations_Climate_Change_Conference (last visited 1/14/2022). See also Headline Statements, *supra* note 55. In contrast to the 2% goal described here, Dansgaard *et al.* found average temperature ranges of 4 °C in Northern Greenland. Unstoppable Global Warming, *supra* note 21 at 17.

⁵⁸ Legates *et al.*, *supra* note 21.

⁵⁹ David J. Theroux, IPCC Insider Admits Climate Consensus Was a Lie (June 18, 2010) at <https://blog.independent.org/2010/06/18/ipcc-insider-admits-climate-concensus-claim-was-a-lie/> (last visited 1/8/2022).

⁶⁰ Legates *et al.*, *supra* note 21 at 300.

⁶¹ *Id.* at 305. The authors write: “the philosophy of science allows no role for headcount statistics. Aristotle’s Sophistical Refutations, (circa 350 BC), codified the argument from consensus, later labeled by the medieval schoolmen as the argumentum ad populum or head-count fallacy, as one of the dozen commonest logical fallacies in human discourse. Al-Haytham, the eleventh-century philosopher of science who is credited as the father of the scientific method, wrote that “the seeker after truth” (i.e., the scientist) places no faith in mere consensus, however venerable.”

⁶² *Id.* at 313. This is consistent with Professor Steven Koonin’s description of the authors of AR⁶ in 2021, “...almost 4,000 pages, written by several hundred government-nominated scientists...” Steven Koonin, Climate Change Brings a Flood of Hyperbole, *Wall St. J.*, August 10, 2021, at <https://www.wsj.com/articles/intergovernmental-panel-climate-change-ipcc-un-united-nations-global-warming-floods-wildfire-stevens-palmer-koonin-11628631428> (last visited 1/15/2022).

⁶³ “Praise for Third Edition of Hot Talk, Cold Science, in Singer, *supra* note 12.

⁶⁴ Theroux, *supra* note 59, citing Mike Hulme and Martin Mahon, Climate Change: What do We Know About the IPCC?, at <https://mikehulme.org/wp-content/uploads/2010/01/Hulme-Mahony-PiPG.pdf> (last visited 1/18/2022)

⁶⁵ <https://www.theguardian.com/society/2007/mar/14/scienceofclimatechange.climatechange> (last visited 1/18 2020).

post-normal science. But to proffer such insights, scientists—and politicians—must trade (normal) truth for influence. If scientists want to remain listened to, to bear influence on policy, they must recognize the social limits of their truth seeking and reveal fully the values and beliefs they bring to their scientific activity.[emphasis added].”

“It has been labeled “post-normal” science. Climate change seems to fall in this category. Disputes in post-normal science focus as often on the process of science—who gets funded, who evaluates quality, who has the ear of policy—as on the facts of science.”

“Climate change is too important to be left to scientists—least of all the normal ones.”

5. The Silence of the Lambs

There is little mention of the contrary views of scientists in the press. The Oregon Petition, signed by 17,000 scientists 39 (more than the purported numbers in the fraudulent surveys text at note 38) is rarely mentioned, except online. Holman Jenkins of the *Wall Street Journal* has complained that the “Media Can’t Handle the Climate Truth.”⁶⁶ The press failed to report the IPCC walk-back of its worst case scenario about climate increases, from 6.1° to 4°—about the normal range for a climate cycle.⁶⁷ As Jenkins wrote:

Imagine the news industry was still able to discern news. If the latest in a 40-year succession of climate forecasts differs from its predecessors in finding temperature changes not as bad as previously projected, this would qualify as news. That is, to a media not wedded to the senseless assumption that climate science can only produce a succession of ever more dire consequences.

This author had a similar personal experience. I had written a short opinion piece covering the topic of this paper, only to have it rejected by an editor on two grounds: (1) Professor Springer’s book, *Hot Talk, Cold Science* was not peer reviewed; and (2) the scientific consensus was that global warming was man-caused. The peer review objection clearly meant he had not looked at the book, which contains endorsements from at least 28 scientists from across the globe. It also ignores the fact that this book is a review and assessment of the scientific literature, which needs no peer review. The “consensus” objection is false, as previously noted. Climate alarmists disparage these individuals as “climate deniers,” an overbroad and false characterization, since many agree the climate is changing, but doubt that human activities are the source of change, since change has happened so many times in the past.⁶⁸ If misleading labels were not enough, there are hints that many of these scientists have been bought and paid for by polluting industries. Wikipedia, in its climate denial entry, calling it “pseudo-science,” suggests that Professor Seitz, the author of the Oregon Petition, is guilty:

“Former National Academy of Sciences president Frederick Seitz, who, according to an article by Mark Hertsgaard in *Vanity Fair*, earned about US\$585,000 in the 1970s and 1980s as a consultant to RJ Reynolds Tobacco Company, went on to chair groups such as the Science and Environmental Policy Project and the George C Marshall Institute alleged to have made efforts to “downplay” global warming.”⁶⁹

Ad hominem attacks on Professor Singer include statements that he consulted for oil companies.⁷⁰ In 2001 he noted that he “consulted for several oil companies on the subject of oil pricing, some 20 years ago, after publishing a monograph on the subject.” Subsequently he noted that “My resume clearly states that he “consulted for several oil companies on the subject of oil pricing, some 20 years ago, after publishing a monograph on the subject. * * * My connection to oil during the past decade is as a Wesson Fellow at the Hoover Institution; the Wesson money derives from salad oil.”⁷¹ Again, this author had a similar experience with a colleague who taught environmental law. When I noted that an eminent MIT professor had expressed doubts about man-caused warming, he dismissed it by noting that he was an older professor. My colleague was not a scientist. These days, I take that personally. Progressives who support fiction have been exposed by Holman Jenkins in the *Wall Street Journal*.⁷²

⁶⁶ *Wall St. J.*, p. A-15 (9/4/2021).

⁶⁷ Unstoppable Global Warming, *supra* note 21 at 17.

⁶⁸ See, e.g. Brendan Demelle, Top 10 Climate Deniers, at <https://www.beforereflood.com/explore/the-deniers/top-10-climate-deniers/> last visited 2/2/2022).

⁶⁹ https://en.wikipedia.org/wiki/Climate_change_denial#Pseudoscience. (last visited 1/17/22)

⁷⁰ https://en.wikipedia.org/wiki/Fred_Singer. (last visited 1/17/22)

⁷¹ <https://www.desmog.com/s-fred-singer>. (last visited 1/17/22)

⁷² “Progressives trust themselves to distinguish truth from lies, even though they demonstrably fail when the lie serves their interests. They live by the judgment: ‘I am a thinking person. You are not. You are an algorithm programmed by society. I, as a superior person, must make sure you are programmed with the correct thoughts.’ Holman W. Jenkins, Spotify and Rogan, the Real Adults, *Wall St. J.* p. A15 (Feb. 2, 2022).

6. The Benefits of Warming

Put simply, where would most people prefer to live, Miami, Florida, or Nome Alaska? Part of the answer is a simple population count: Miami has a population of 467,963 as of the 2020 census, as part of a much larger metropolitan area.⁷³ In contrast, Nome has a population of 3,699 recorded in the 2020 census, up from 3,598 in 2010.⁷⁴ Both sit on an ocean waterfront, but that is all they have in common. January is the coolest month in Miami with an average daily temperature of 68.2 °F (20.1 °C). The coldest month in Nome is also January, averaging 5.2 °F (−14.9 °C). Yet Nome had gold as an initial attraction, and Miami had – fish? People do vote with their feet.

In contrast to the alarmists' predictions of global disaster from warming, it actually has its benefits. And the use of fossil fuels has been beneficial to some species, which should count the change to fossil fuels as a blessing. Whale oil was used both as a lamp fuel and a lubricant, until was replaced in the late 19th century by cheaper, more efficient, and longer-lasting kerosene.⁷⁵ Some species of whales were hunted nearly to extinction. Similarly, explorers discovered that the blubber of penguins was also useful, and began hunting them as well. They were defenseless and thus easy prey. Both species can thank the Spindletop drilling rig for discovering massive quantities of oil and gas in Texas at the beginning of the 20th century.⁷⁶ This contrasts starkly with a 2004 report by scientists that man-made global warming could destroy as many as one million plant and animal species in the next 50 years.⁷⁷

Singer notes that ecological changes due to warming will not be rapid, based on recent history and the history of earlier climate changes.⁷⁸ He also observes that the increase in CO₂ levels is generally beneficial for plant growth, and can lead to greater plant diversity.⁷⁹ CO₂ is a fertilizer for plants. Satellite observations from 1982 to 1999 found an increase of global plant growth of more than 6%.⁸⁰ Warming will extend the growing season, as the author discovered while living in Wyoming, where he could not grow tomatoes to ripeness between freezes.⁸¹ It will also provide more food for both humans and animals. Singer also notes that warming, and the increasing crop production, has led to a global increase in life expectancies of people by 35 years since 1970.⁸²

7. Conclusion

Professor Singer was called a “climate denier” by his opponents. His treatment was not dissimilar to that of Galileo, when he discovered that the earth rotated around the sun. While Galileo was subject to an inquisition by the church, and sentenced to home confinement, no such sanctions are available in these secular times.⁸³ This was patently false because no one more carefully documented the history of climate change, based on huge numbers of scientific studies. But the claims of “post-normal” scientists, based on fake popularity polls, have dominated. One of his opponents even had the poor grace to damn him upon his death, when he could no longer defend himself.⁸⁴ His vindication will occur over time, when earth's gradual warming ends and another cooling period begins. In the meantime, who will notice that the sky is not falling?

⁷³ <https://en.wikipedia.org/wiki/Miami> (last visited 1/21/22)

⁷⁴ https://en.wikipedia.org/wiki/Nome,_Alaska (last visited 1/21/22).

⁷⁵ https://en.wikipedia.org/wiki/Whale_oil#:~:text=Whale%20oil%20was%20used%20as%20a%20cheap%20illuminant%2C,for%20whale%20oil (last visited 1/23/2022).

⁷⁶ <https://en.wikipedia.org/wiki/Spindletop> (last visited 1/23/2022)/

⁷⁷ Thomas, C.D. *et al.* (2004). Extinction Risk from Climate Change, *Nature*, 427, 145-148, as reported in Unstoppable Global Warming, *supra* note 21 at 163. It also reports that Thomas's earlier paper contradicted these later claims. *Id.* at 175.

⁷⁸ Unstoppable Global Warming, *supra* note 21 at 171.

⁷⁹ *Id.* at 172-175, citing, *inter alia*, S. Idso *et al.*, The Specter of Species Extinction, 1-39 (2003).

⁸⁰ *Id.* at 175.

⁸¹ Locals described the climate as having two seasons – winter and the fourth of July.

⁸² Singer, *supra* note 12 at 158-159, citing the U.S. Census Bureau, An Aging World: 2015, at <https://www.census.gov/content/dam/Census/library/publications/2016/demo/p95-16-1.pdf> (last visited 1/24/2022).

⁸³ https://en.wikipedia.org/wiki/Galileo_Galilei#Controversy_over_comets_and_The_Assayer (last visited 1/24/2022).

⁸⁴ Fred Singer Has Passed. He Took Pleasure In Bullying Scientists. May He Rest. Why speak well of the late climate denier Fred Singer, who spent over half a century attacking credible science and scientists?, by Paul D. Thacker | Apr 15, 2020. <https://drillednews.com/fred-singer-obituary-climate-denier/#:~:text=A%20chief%20talent%20of%20Fred%20Singer%2C%20the%20world-famous,the%20bottom%20lines%20of%20his%20corporate%20polluter%20clients.> (last visited 1/24/2022).