

Climate Physics Institute

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Global Warming Alarmists Can't Claim Victory

Posted on [September 29, 2011](#) by [Dr. Ed](#)

To Editor, Flathead Beacon, published September 28, 2011.

In a recent letter (August 24, Beacon: "*Distortions of Court Decision on Climate Change Petition*" - read below), Dr. Elwood, an ecologist, attempted to interpret law.

Here is what the Montana Supreme Court reviewed and ruled:

1. The Petitioners claimed (as does Dr. Elwood) that there is a scientific consensus that human emissions of greenhouse gases are causing "*catastrophic anthropogenic global warming*" (CAGW), and that there are no factual issues to be resolved. (Don't be confused by the consensus that increasing carbon dioxide will cause minor, negligible warming. That is entirely different from causing CAGW.)
2. The Intervenors presented substantial evidence to the contrary and showed the factual issues are not "*resolved*." Had the Intervenors not effectively done so, the Supreme Court would have had no factual issues to "*resolve*" and the Petitioners would have won their case.
3. The Montana Supreme Court ruled:

"This Court is ill-equipped to resolve the factual assertions presented by Petitioners."

Thus, the Montana Supreme Court ruled the science of CAGW is "*not settled*" and instead told the Petitioners if they wish to change this decision they must prove their claims in a lower court. Until then, in the State of Montana, there is legally NO scientific consensus on CAGW.

Dr. Elwood's contention is not with Mr. Rhoades, attorney for the Intervenors, but with the Montana Supreme Court. The Petitioners presented the same argument for CAGW as Dr. Elwood has, but the Montana Supreme Court did not buy it.

It is time for global warming alarmists to stop claiming their case for CAGW is proved when they have now lost their case in the Montana Supreme Court.

You may read the details of this Montana Supreme Court case on ClimatePhysics.org.

Edwin X Berry, Bigfork

To Editor, Flathead Beacon, published August 24, 2011.

Distortions of Court Decision on Climate Change Petition

Quentin Rhodes' recent letter (August 10, Beacon "No Consensus on Climate Change") falsely claims that the Montana Supreme Court denied the existence of a scientific consensus on human-caused global warming. His assertion is patently false because the court did not render any opinion on whether such a consensus exists or not. In fact, the decision states that "The court is ill-equipped to resolve the factual assertions presented by the petitioners."

Hoping to demonstrate to the Court that there exists a scientific controversy among experts about man-caused global warming, Mr. Rhodes falsely claims that the brief submitted by the interveners he represented to the climate change petition included "a virtual mountain of science." In reality, their brief is devoid of science and is nothing more than "cherry-picked" data and distortions and misrepresentations of selected quotes taken out of context from a small number of climate change experts. He also falsely claims their brief included the opinions of over 1000 climate scientists refuting the theory of human-caused climate change.

The assertion is based entirely on an appeal to false authority. Almost none of these 1000 individuals are experts in climate science as evidenced by their lack of any training, experience and publication record in climate research. Hence, they are not qualified to judge whether the current consensus of experts on human-caused global warming is justified by the accumulated body of scientific evidence on climate change published to date.

The fact is that more than 97 percent of the scientists who have been trained in climate science and are actively conducting research on climate change and publishing their results in the peer-reviewed literature agree that global warming is occurring, greenhouse gas emissions from human activities is the primary cause of it, and the climate will continue to warm, posing significant risks to natural and human systems unless these emissions are reduced. The Academies of Science of 19 countries, including the US, plus many scientific organizations that study climate science also agree with this expert consensus. Further, there are no national or major scientific organizations or institutions anywhere in the world that dispute the reality of human-caused global warming and the risks it poses to natural and human systems.

The court's decision to deny the petition does not mean that the court decided that human-induced emissions of greenhouse gases aren't causing the climate to change or that such emissions from the state of Montana don't contribute to the global increase of greenhouse gases in the atmosphere, which is the primary cause of global warming. Montana's Supreme Court did not deny the existence of an expert consensus on man-caused global warming, and Quentin Rhodes is absolutely wrong to assert that it did.

Jerry W. Elwood, Kalispell

This entry was posted in [Barhaugh v Montana](#), [Climatism](#), [Letters](#). Bookmark the [permalink](#).

2 Responses to Global Warming Alarmists Can't Claim Victory



1

Chris G says:

October 17, 2011 at 3:28 pm

Umm, the court said they were ill-equipped to make a decision, and you claim that they have said the science is unsettled.

That isn't at all the same. It's like having an argument with someone over the solution to a multivariate calculus problem, and asking a typical 6-yr old which is correct, the kid says he has no idea, and you claim victory.

Why do you think lawyers need to validate physics?

[Reply](#)



2

Dr. Ed says:

October 19, 2011 at 9:13 am

@1 Chris,

“Our Children’s Trust” claimed the science about global warming is “settled” and therefore we must urgently act to reduce human carbon dioxide emissions. Climate Physics Institute intervened and showed significant scientific evidence to prove there is a scientific controversy. (We did not need to prove the invalidity of their scientific claims. We only needed to prove there was a controversy about their claims.)

The supreme court decided in favor of Climate Physics Institute that the science was not settled. Otherwise, the plaintiffs would have won their case.

Given that the science is not settled, so far as Montana is concerned, the supreme court told the plaintiffs they must first prove their scientific claims in a lower court because, while it was equipped to recognize a scientific controversy, a supreme court is ill-equipped to make a decision on the science.

It is interesting that the plaintiffs have not come back to court to attempt to prove their claim that the science is settled, given that they also claimed great urgency in shutting down Montana’s carbon dioxide emissions before our emissions sent our planet into an irreversible heat runaway. The plaintiffs’ delay in attending to their claimed planetary emergency shows the environmental claims about global warming are false and their claimed concern for our planet is fraudulent.

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