



SCC Publishing
Michelets vei 8 B
1366 Lysaker Nor-
way

ISSN: 2703-9072

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Vol. 5.4 (2025)

pp. 35-45

How Courts support Climate Activism and Politicization of Science

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Keywords: Climate litigation; Climate activism; Our Children's Trust; Climate Judiciary Project; Greenpeace; Held vs Montana; Greenpeace og Natur og Ungdom vs Norway.

<https://doi.org/10.53234/scc202511/07>

1. Introduction

We are currently in what could rightly be called a “climate war”, that started with UN, IPCC and various NGOs, unanimously supported by all mainstream media in the western world. Climate litigation is now a fast-growing industry driven by specialized law firms and – Yes, NGOs. But UN and IPCC are the primary drivers. On 30 June 1989, a senior environment officer from UN said “entire nations could be wiped off the face of the Earth by rising sea levels if the global warming trend is not reversed by the year 2000”¹. The UN message has become ever stronger, we have now a climate emergency, and the public discourse is characterized by activism, censorship and sometimes even lies. UN secretary General António Guterres said on 27 July 2023 that “The era of global boiling has now arrived”, which is a bit stronger than his previous statement that “Humanity is on a highway to climate hell”, as the introductory message to the COP 27 summit. We can safely say that what Mr. Guterres says, is wrong.

Melissa Fleming, the UN Communications Official, touts Google search partnership with “We own the science”. And sceptic posts are regularly censored on many web platforms, after agreements with the UN or various authorities. An example of deep censorship emerging in UK is reported in TKP, the German blog for science and politics, which wrote on 30 July 2025 about the new censorship regime in UK. A completely harmless article about CO₂ and plants is no longer shown to Britons without restrictions. The statement, on platform X, was: “CO₂ is good for plants”². Because this single statement conflicts with prevailing “climate policy,” it is only shown to adults whose age has been officially confirmed.

1. The status of climate litigation

A very good overview is given by the UN Environment Programme, in its Global Climate Litigation Report, “2023 Status Review”. The report shows that activists and NGOs go to courts to combat climate change. As of December 2022, the report shows the current status as being 2180 climate cases in 65 jurisdictions. Children, youths, woman groups, local communities and

¹ apnews-1989-06-29-united-nations-predicts-disaster-if-global-warming-not-checked-1.pdf

² <https://tkp.at/2025/07/30/englands-zensiertes-internet-ein-beispiel/>

indigenous people go to court. This report is an essential tool for everyone that will understand current litigation practice.

Another overview is given by Norton Rose Fulbright, in its “Climate change litigation update”. As of July 2025, the total number of climate change cases filed globally has reached 3099, showing a strong upwards trend.

A global map shows the location of some climate cases as of July 2023: USA 1986, United Kingdom 133, Germany 67, Australia 161, China 4 and Russia only 1.

Key trends include the acceleration in magnitude and geographical reach, rise of “climate-washing” lawsuits, increasing “polluter pays” cases holding corporations accountable, and “corporate framework” cases pushing for climate-aligned policies. And we now have some landmark judgments which – sometimes even in the case of loss – have shifted norms and expectations with regard to state obligations, “polluter” accountability for future emissions as well as liability for past emissions, shareholder behaviour and much more.

On July 23, 2025, the International Court of Justice ruled on countries’ duty to curb climate change. What may not be commonly known, is that a group of law students from low-lying Vanuatu island in the Pacific Ocean came up with the idea in 2019. This top UN court says that treaties compel wealthy nations to curb global warming, and that failing to comply with climate change treaties is a breach of international law.

Now, there are two climate narratives. The consensual one from IPCC and all types of activists, is model-based and where CO₂ is the main driver of temperature and climate change, and where the resulting climate change drives all kinds of severe damages.

The other narrative is based on short-, long- and very long observational series, with a wide range of natural phenomena influencing the climate and where there is no climate emergency.

From the court documents, we see that the court is stuck on the CO₂-driven and consensual narrative:

The court relies on IPCC, which gives the best available science on causes, course and consequences of climate change. The court states that science is uncontroversial and consensual, and that extreme weather events are more frequent and more serious, that natural habitats are destroyed with extension of species, that human life and health is in grave danger and that the consequences lead to immediate existential threats.

The judgement means that countries can sue each other for climate damage compensation, and no later than July 24, the day after the ruling, came the first demands. Margaretha Wewerinke-Singh, a lawyer from nowhere else than just Vanuatu, says that Britain can dodge climate lawsuits if it pays UN. And the Taliban’s top environmental official responded just as quickly, wanting the UN to include Afghanistan in climate talks, claiming that the country is severely affected by climate change, and that extreme weather and water scarcity are having a profound impact on people’s life and the economy.

The judgement was widely prized as being fair, but Bjørn Lomborg from the Copenhagen Consensus Center made some very relevant remarks. “There’s good news for lawyers in a landmark ruling. But not for the climate.” He also said that the Court of Justice’s ruling misreads both science and economics. It exaggerates climate risk and disregards the immense human benefits of fossil fuels, from feeding billions to lifting people out of poverty. And it will trigger costly litigation while doing little to advance real climate solutions³.

³ <https://www.washingtonpost.com/opinions/2025/08/19/un-court-climate-ruling-lawsuits-reparations/>

3. When judges become activists

It is now a fact that many judges act like being activists. Torsten Sandström, an emeritus professor from Lunds University in Sweden explains this phenomenon, using the term “activism” to describe cases when judges — rather than simply applying and interpreting laws as they are written — add their own political values or broad interpretations that almost encroach on the realm of the legislature or politics⁴. He says that judges shall not engage in politics, but they can be lured into political activism.

We have seen in many climate cases that judges have no real knowledge of the many aspects of climate change and that they rule according to the prevailing consensus narrative. Moreover, there are now organizations which give climate education to lawyers. One of the leading providers is the Environmental Law Institute (ELI) with their Climate Judiciary Project (CJP). ELI presents the project in this way:

As the body of climate litigation grows, judges must consider complex scientific and legal questions, many of which are developing rapidly. To address these issues, the Climate Judiciary Project of the Environmental Law Institute is collaborating with leading national judicial education institutions to meet judges' need for basic familiarity with climate science methods and concepts.

We are developing and disseminating a climate science and law curriculum and are conducting seminars and educational programs, in collaboration with leading climate scientists and legal experts. The goal of our project is to provide neutral, objective information to the judiciary about the science of climate change as it is understood by the expert scientific community and relevant to current and future litigation.

ELI has a track record of delivering highly-respected U.S. and international judicial education programs spanning more than three decades. This program holds true to ELI's course of nonpartisan ship and nonadvocacy, drawing deeply on ELI's commitment to high quality, bias-free content. Our collaborators — among them faculty of leading universities, government and private research institutions, and members of the National Academies of Sciences, Engineering, and Medicine — are likewise known for their impartiality and are at the top of their fields in science and judicial education.

Our shared vision is to make available to federal, state, and local judges the basic science they need to adjudicate the climate litigation over which they preside.

And CJP really has a lot to offer. They have recently launched a resource website that features a rich mix of materials, including their 13-module “Climate Science and Law for Judges” Curriculum, as well as past and upcoming events and information about other “scientifically reliable resources” about climate change.

They have easy-to-understand fact sheets where ‘climate science is fully explained’. And this material is really good in explaining the dominating role of CO₂, and all damages that follow the CO₂ emissions. Another example is their course ‘Climate Litigation 101’, which is very convincing. When lawyers and judges ‘have graduated’ from CJP, they will most likely in court never ever recognize true observation-based climate science and the failure of climate models and attribution methods.

However, there is no doubt that CJP has established a close cooperation with a number of judges, as Anthony Watts writes on his blog on July 18, 2025 under the headline EXPOSED: From Climategate to Courtroom – How Climate Activists Tip the Scale of Justice⁵.

Let's not mince words: What's been unearthed in this Fox News exposé “Unearthed chat sheds

⁴ <https://klimatupplysningen.se/sandstrom-nar-domare-blir-aktivister/>

⁵ <https://wattsupwiththat.com/2025/07/18/exposed-from-climategate-to-courtroom-how-climate-activists-tip-the-scales-of-justice/> (Reprinted with permission from the author)

light on cozy ties between judges, climate activists, raising ethical concerns” is nothing less than a blueprint for how climate activists have sought to quietly “capture” the American judiciary, in a style remarkably reminiscent of the infamous Climategate affair of 2009, which we first broke here on this very website. If Climategate was the exposure of insular groupthink, manipulation, and data gatekeeping in the scientific community, what we’re seeing here is the systematic application of those tactics—this time, targeting the judges who ultimately decide climate-related lawsuits.

At the center of this latest scandal is the Climate Judiciary Project (CJP), an initiative launched in 2018 by the Environmental Law Institute (ELI)—itself a left-wing nonprofit flush with activist funding, some of it allegedly traceable to China. CJP’s mission? To provide what it calls “authoritative, objective, and trusted education on climate science, the impacts of climate change, and the ways climate science is arising in the law.” What this means in practice is quietly coaching judges on the “consensus” climate narrative, prepping them to be more sympathetic to creative activist litigation—then, lo and behold, those very same funders bankroll the lawsuits that land before these freshly-indoctrinated judges.

As Senator Ted Cruz aptly put it: “This is like paying the players to play and paying the umpire to call the shots the way you want”.

The article lays out the mechanics: in September 2022, CJP launched a “listserv”—an email group with direct, ongoing communication between CJP leaders and judges nationwide. By July 2024, there were 29 members, including at least five sitting judges. The forum, innocuously called “Judicial Leaders in Climate Science,” included private sharing of climate lawsuits, congratulatory messages for activist wins, and guidance for other judges on how to run similar programs in their states.

One Delaware judge even posted a private YouTube link to a presentation giddily predicting climate lawsuits could one day bankrupt the fuel industry, with the explicit warning: “Please do not forward or use without checking with me. I suspect that goes without saying, but the powers that be will be happier that I said it.” The closed-door, chummy dynamic is obvious—and telling.

This is nothing more than indoctrination masquerading as education. CJP and its defenders, of course, insist their purpose is purely educational and objective. They claim their curriculum is “fact-based and science-first, grounded in consensus reports and developed with a robust peer review process”. But let’s be real: what’s passed off as neutral “climate education” is heavily slanted to reinforce a specific worldview, presenting worst-case climate scenarios as settled science, and framing any dissent or nuance as heresy. The program even encouraged judges to go through CJP’s prepackaged “Climate Science 101” and “Climate Litigation 101” courses, and send feedback to help make them even more effective.

There’s a distinctly unseemly aspect here: the very people training the judges are often also involved in crafting and arguing the lawsuits that appear before those same judges. The ELI and CJP’s “experts” include university professors and lawyers who have filed numerous amicus briefs in climate litigation. The potential for bias isn’t just present—it’s the entire point.

4. Climate litigation specialists – Our Children’s Trust

Successful climate litigation takes well trained and experienced law project groups. A very aggressive one is Our Children’s Trust. Their mission statement is given below:

Our Children’s Trust is a non-profit public interest law firm that provides strategic, campaign-based legal services to youth from diverse backgrounds to secure their legal rights to a safe climate. We work to protect the Earth’s climate system for present and future generations by representing young people in global legal efforts to secure their binding and enforceable legal rights to a healthy atmosphere and stable climate, based on the best available science.

We support our youth clients and amplify their voices before the third branch of government in a highly strategic legal campaign that includes targeted media, education, and public engagement work to support the youths' legal actions. Our legal work – guided by constitutional, public trust, human rights laws and the laws of nature – aims to ensure systemic and science-based climate recovery planning and remedies at federal, state, and global levels.

OCT says the future of 2 billion children is threatened by climate change, and they exclusively represent children – free of charge – to “protect their right to a stable climate”.

OCT is nearly everywhere, they are involved in legal actions in Australia, Belgium, Canada, Colombia, France, Germany, New Zealand, The Netherlands, Peru, Philippines, South Korea, Ukraine, USA, United Nations and even in Norway:

On Thursday March 10, 2022, Our Children's Trust submitted a request to intervene in Greenpeace Nordic and Others v. Norway alongside and on behalf of 100 psychiatrists, psychologists, academics, and professional organizations specializing in children's mental health. These mental health experts, from 12 different countries, seek to provide the court with information about the body of science documenting the mental health crisis children are suffering due to government actions that perpetuate the climate crisis.

5. Held v. Montana

We will first discuss Held v. Montana and then look briefly at the next and very exciting lawsuit that OCT has initiated, Lightiser v. Trump.

Held v. Montana: The case was filed in Montana in 2020 by 16 youths, aged 5 – 22 at that time. The plaintiffs were represented by Our Children's Trust and the defendant was State of Montana. The plaintiffs argued that Montana's promotion of fossil fuels and a state law (the limitation in Montana Environmental Policy Act, MEPA) that barred agencies from considering greenhouse gas emissions and climate change when permitting projects violated their constitutional rights. Note that Montana's constitution is unusual because it explicitly guarantees “the right to a clean and healthful environment”. Well prepared kids, some of them crying, testified in court that they had already been hit by wildfires, evacuation, extreme temperatures and drought, and then they had a strong fear for losing control and for a lost future.

The judgement on August 14 2023 came out in favour of the youth plaintiffs. The key rulings were.

- Montana's fossil fuel-friendly policies and MEPA limitation contribute to climate change and harm the plaintiffs.
- The plaintiffs' constitutional rights to a clean and healthful environment, dignity health and equal protection were violated.
- The MEPA limitation was declared unconstitutional.

Montana filed an appeal to the Montana Supreme Court, arguing that climate change is a global issue and state policies cannot be directly tied to the plaintiffs' injuries. But in December 2024, The Montana Supreme Court affirmed the lower court's ruling in a 6-1 decision.

The plaintiffs had 7 strong expert witnesses, among them Steve Running PhD, retired climate scientist and previous IPCC lead author. He made the case for the plaintiffs.

This contrasts very much with the State's only expert witness on the stand, Terry Anderson, an economist. However, Dr. Judith Curry, a world class climatologist, was hired and submitted an expert report, but she was not called to testify, and moreover, her report was criticized by other expert witnesses, as relying on flawed methods, cherry-picking data, underestimating human contributions to climate change, etc.

Dr. Edwin X Berry, a theoretical physicist, wrote a science-based Amicus Brief to the court, but Montana's legal team never presented it in court and Berry was never called to testify. This is rather strange,

because in a previous case, *Barhaugh v. Montana* in 2011, a strong scientific intervention led by Dr. Berry prevented the Montana Supreme court from ruling in favour of the plaintiffs, that is, the Court rejected the *Barhaugh v. Montana* petition. It seems that states no longer for their defence can use any witnesses or scientific arguments that violate the universal consensus.

So basically the defence only argued that Montana's emissions were too small to matter globally, and the court rejected this, stating that every additional ton of greenhouse gases contributes to climate change, and that the state cannot ignore its constitutional duties just because it is one emitter among many.

6. Lightiser v. Trump

The case was filed on May 29, 2025, in the U. S. District Court for the District of Montana. Our Children's Trust says this is youth-powered litigation, where 22 young plaintiffs sue President Donald J. Trump and several federal agencies, challenging Trumps "Unleash Fossil Fuels" Executive orders, which are "Unleashing American Energy", "declaring a National Energy emergency" and "Reinvigorating America's Beautiful Clean Coal Industry". Says OCT, these orders fast-track fossil fuel expansion in the face of a worsening climate crisis, endangering young people's lives. The plaintiffs argue that Trump's executive orders violate their constitutional rights to life and liberty, and unlawfully exceed presidential authority.

The big question is now, why was this case filed in Montana? Everything indicates that this was a strategic choice by the OCT. They are probably running the new trial with the same organization as the previous one, and have good reason to believe that the judges will again rule in the same way.

In *Held vs. Montana*, the State conducted a very poor defence, and it was inevitable that the state lost. We must hope that the Trump administration will select outstanding expert witnesses, there are a number of independent gold standard scientists that could help win the case for Trump.

The preliminary injunction will be on 16 and 17 September 2025.

7. The NGOs enter stage

The NGOs are mostly overzealous activists collaborating with various groups that would never have been able to bring a lawsuit themselves. Greenpeace is one of the central groups, with activities in many parts of the world. We have, however, some inside information on Greenpeace, from co-founder Patrick Moore. He says that they now have anti-scientific attitudes, they are ideologically locked, are hypocritical about climate change, and they are abandoning the original goal and mission.

A typical Greenpeace stunt took place in November 2024, by Equinor CEO Opedal's private garden in Sandnes, Norway, claiming that Opedal is a "pivotal driving force" who destroys the climate. The activists dumped garbage from a Brazil river into Opedal's garden. The case was reported to the police, who arrived, but did not dare to intervene, they just quietly observed. The police weighed the disadvantage for Opedal with the right to free speech, and probably thought that the "great seriousness of the matter" justified this action.

Greenpeace reuses a standardized package solution and is actually a wholesaler when it comes to climate lawsuits. Over the last few years, some of the Greenpeace cases are mentioned below.

- Greenpeace Norden and Natur og Ungdom vs Norway
- Klimaseniorinnen vs Switzerland
- Greenpeace Netherlands and Citizens of Bonair vs The Netherlands
- Greenpeace vs United Kingdom
- Greenpeace vs Spain
- Greenpeace France vs France
- Greenpeace vs State of the Netherlands
- Milieudefensie et al vs Royal Dutch Shell

Next comes a relatively broad discussion of the case on the top of the list, Greenpeace Norden and Natur og Ungdom versus Norway, which is quite well known to this writer, as being a signatory of an Amicus Brief to the court.

Greenpeace wants to stop oil and gas extraction at three Norwegian fields, the Tyrving, Breidablikk and Yggdrasil fields. Greenpeace claims that extraction is illegal because the resulting damages have not been investigated. The total – gross – emissions over 10 – 20 years are only 464 Mt CO₂. And mind you, this is about emissions from burning the fossil fuels in countries buying the fuels from Norway, so the bookkeeping should be done by the buyers. And these products are needed, so if Norway does not deliver, so will other sellers on the global market.

But let us first look at the unequivocal physical consequences of burning this amount of oil and gas. We start by calculating the resulting increase in global temperature using the standard value of the parameter TCRE, where a 1000 Gt CO₂ increase in the atmosphere is supposed to give a temperature increase of 0.45 deg C. Accordingly, the 464 Mt CO₂ results in a temperature increase, over some 10 years of 0.0002 degrees. However, we must take into account the Airborne Fraction which is about 0.5 so only half of the emissions stay in the atmosphere, so the resulting temperature will be only 0.0001 deg C. This again is only 0.00001 degrees per year, a quantity so small it takes 50 000 years to reach 0.5 deg of warming.

We could now safely say that the case is closed, this warming will not harm anything at all on the globe, so the resulting damages have now been investigated and are ZERO.

However, Greenpeace has found expert witnesses who claim to prove the damages are severe and I will comment on statements from two witnesses, the first being Dr. Wim Thiery. He uses attribution methods to “accurately” calculate heat-driven damages.

Dr. Thiery starts out with the resulting temperature increase, 0.0002 (eg 0.0001) degrees. Based on this temperature increase he replies to four questions before the court. Here only Question no 3 is commented: “How many heat-related deaths are expected world-wide until 2100 due to the emissions?” Thiery boldly says 104 645.

Comment #1. In statistical estimation like this, to give numbers with an accuracy to something like 0.001 % is an absolute scientific NO-NO.

Comment #2. No one, with common sense, can believe that a temperature increase of 0.00001 degree per year can cause this number of deaths. Resulting possible heat-related deaths will drown in possible heat-related deaths from all other causes.

Comment #3: There is no mention of the empirical facts that the number of heat-related deaths is declining and that deaths due to cold is some 20 times the deaths due to warmth.

Comment #4: This writer wrote a message to Dr. Ross McKittrick, a very accomplished statistician and asked him to evaluate Dr. Thiery’s expert testimony. McKittrick wrote back, “I am sure the methods are seriously flawed, meaningless at best”. McKittrick has worked a lot with detection and attribution, and he has proved that the attribution methods used by the IPCC over the last 20 years are failing.

Comment #5 start:

This is from an unbiased and strictly neutral evaluation given by perplexity.ai, of Thiery et al, “Age-dependent extreme event exposure”

No primary source or observed dataset exists that supports the claim that a temperature increase of 0.00001°C per year (0.0001°C total over 10 years) will cause 100,000 child deaths.

Empirical studies on temperature increases and child mortality (e.g., Baker et al., 2020; Parks et al., 2020) demonstrate negative health effects only at temperature changes on the order of 1°C or more, with weight loss and acute mortality risk increasing significantly above thresholds such as 25°C mean annual temperature. Effects at micro-scale increases, such as 0.00001°C/year, are orders of magnitude below measurement uncertainty and do not correspond to documented

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<https://scienceofclimatechange.org>

epidemiological outcomes. No dataset, peer-reviewed study, or health registry documents a relationship between such a small incremental temperature increase and child mortality at the magnitude specified.

Mortality risk is associated with severe weather events, heatwaves, and extreme temperature spikes, as measured and reported by the World Health Organization, national health agencies, and peer-reviewed studies. These agencies note significant uncertainties and emphasize that the observed effects are not linear at the micro-scale and often appear only at high exposures (e.g., mean temperature increases at or above 0.5–1°C) over years or decades, usually with confounding by socioeconomic variables. No published study supports the proposition that a total temperature increase of 0.0001°C drives mass childhood mortality.

Therefore: No direct, empirical evidence exists for the claim that an increase of 0.00001°C per year over 10 years causes 100,000 child deaths.

Comment #5 end.

Another important witness for the plaintiffs is Dr. Helge Drange, professor, associated by the Bjerknes Centre for Climate Research, who has provided an expert testimony. He has been asked 6 questions which he has answered thoroughly over 33 pages plus an appendix.

Drange's presentation is largely based on the IPCC and the usual notion of consensus, and everything seems plausible and probably very convincing to laypersons and likely to the judges. However, many statements are characterized by exaggerations, omissions and even factual errors. It is very easy to refute essential parts of his presentation. First, we look at a central omission. He does not explain the historic observations of the CO₂ concentration, or the reconstructed temperatures after the last ice age, see Figure 1 below. The left panel shows that the CO₂ concentration is the lowest during the last 140 Mio years, and that we are fairly close to the survival threshold for vegetation. If the current CO₂ level is reduced by some 65 %, most life on earth will probably die. The right panel shows that after the last ice age, the temperature has been higher than today in more than 50 % of the time, and we see warm periods where Scandinavia had now glaciers, and we see cold periods like the Little Ice age,

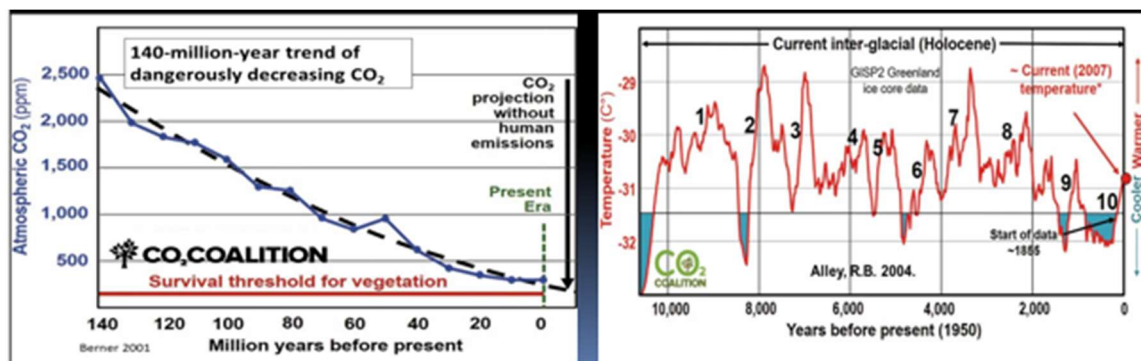


Figure 1. Left, CO₂-concentration over the last 140 million Years. Right, temperatures over the last 11 500 years, showing how natural climate change works, and that we have had higher temperatures than today.

Drange wants to show to the court the massive (CO₂-driven) heating of the earth, by pointing to the accumulated heat content in the oceans. He does not show the average ocean temperature increase, as shown in Figure 2 below (left), but shows instead the heat content counted in exajoules, a frightful number with 23 zeroes. The truth is that the Argo buoy system shows that the temperature has increased only 0.002 deg per year over the last 18 years.

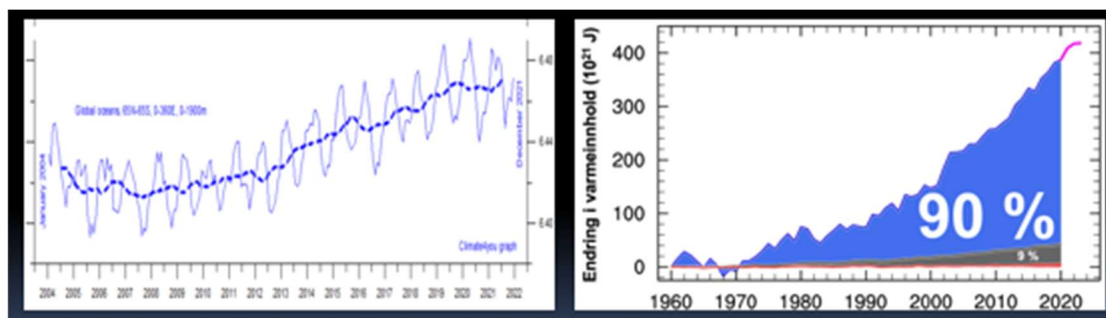


Figure 2. Left, ocean temperatures over the last 18 years as measured by the Argo buoy system. Right, ocean heat uptake since 1960 shown in exajoules.

Moreover, Drange is very careful not to tell the court that the increased ocean heat content is due to shortwave heating from the sun and nothing else. In Drange's context, the heat comes implicitly and only from CO₂. However, back radiated infrared from greenhouse gases to the sea surface only penetrates micrometers below the surface, and leads to evaporation.

Another 'important' statement from Drange is that "Every tonne (of CO₂) counts – Every tonne gives the same warming." This is simply not true. Every atmospheric physicist knows that absorption follows a logarithmic law and that the forcing effect is now into the saturation region, see Fig 3 below. The logarithmic effect has been known for some 150 years.

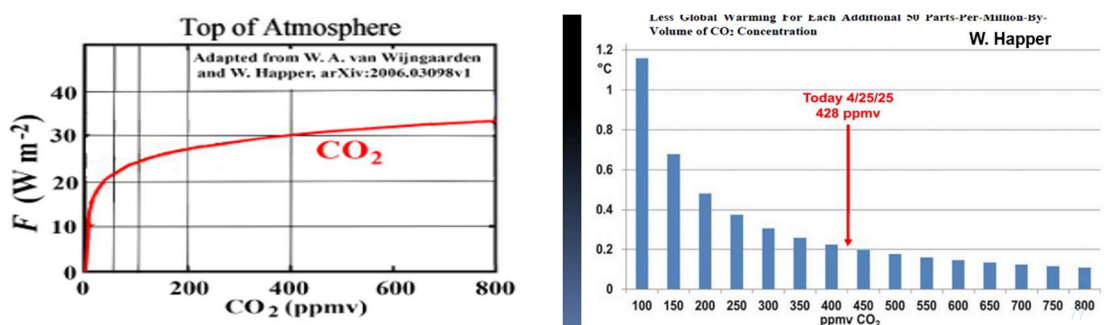


Figure 3. Left: the saturation effect, we see there is a very small increase of radiative forcing, only 3 W/m² for a doubling of the CO₂ concentration. Right: another type of view, showing the ever-smaller contribution from a given quantity of CO₂.

We know that a doubling of the CO₂ concentration, which might appear in 50 years or so, will give an increased atmospheric temperature of only about 1 deg C (0,7 deg C, from Stefan-Boltzmanns law of radiation). However, IPCC says that feedback from water vapour will increase temperature another 2 – 5 degrees. This is wrong. According to NASA, a temperature increase of 1 deg will increase water vapour with 7 %. And this will give an increased forcing of 0,77 W/m². This again will lead to an increased warming of 0.14 deg, which again will lead to some warming. Conclusion is, the final temperature increase will be only 1.164 deg C.

How Drange uses science, is apparent in his statement "Observations and models are finally good enough to link extremes to human emissions."

This is wrong for three reasons:

- It is a scientific fact that an observation or a positive correlation says nothing of causality. In science, a theory can only be proven wrong, not right.
- The climate models are failing; they cannot project future temperatures or even correctly reconstruct past temperatures.
- The detection and attribution models used by the IPCC over the last 20 years are faulty.

An evaluation of some of Drange's statements is given in Table 1 below:

Table 1. Drange vs Facts

Drange	Facts
CO ₂ reduces emission to space and gives warming	True, but the effect is limited and has reached the saturation region
CO ₂ is the most important factor in global warming	Dead wrong, water vapour and clouds are far more important
Very large quantities of CO ₂ are added to the atmosphere	Only 5 % of the yearly carbon cycle is due to our emissions
20 % of the emissions will stay in the atmosphere and contribute to warming in more than 1000 years	Dead wrong, the e-time (or half time) is about 4 years

Finally, a very serious matter is commented, i.e. Drange's use of "tipping points". In his written statement "tipping points" is used no less than 20 times. He has very successfully sold this message to the court, because in the ruling from the district court, the term is used 13 times, and the ruling says that "tipping points are far above the threshold for materiality". And dear reader, please note, that there is no mention in the ruling of the fact that the tipping points are associated with at temperature increase from 1.5 to 2 degrees, while the emissions in question will give a rise of 0.0001 deg.

It is also important to note that in IPCC AR6 SPM "tipping points" are mentioned only 3 times, and only very briefly, as shown below in full text:

1. *There is limited evidence for low-likelihood, high-impact outcomes (...involving tipping points) ...under high GHG scenarios.*
2. *Abrupt responses and tipping points of the climate system, such as strongly increased Antarctic ice sheet melt and forest dieback, cannot be ruled out.*
3. *And finally, a footnote defines the concept: A tipping point is a critical threshold beyond which a system reorganizes, often abruptly and/or irreversibly.*

This is not very alarming, however, Drange's message to the court is.

8. If you can't beat them – take them to court

In July 2025 a report was released by a Climate Working Group (CWG) set up by the U.S Department of Energy (DOE). The title was "A Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate. Authors were eminent scientists John Christy, Judith Curry, John Spencer, Ross McKittrick and Steven E. Koonin.

The authors were called "contrarians", and almost immediately, a group of 85 scientists, led by Andrew Dessler and Robert Kopp produced a detailed rebuttal (some 400 pages), that says the DOE report misstates conclusions, cherry-picks and say that it does not meet standards for rigor, peer review and impartiality.

This "rebuttal" was to be expected, since the DOE report challenged the widespread belief that greenhouse gas emissions pose a serious threat to the nation. Koonin has since written that

"Collectively our team brought to the task more than 200 years of research experience, almost all directly relevant to climate studies. The resulting peer-reviewed report is entirely our work, free from political influence, a departure from previous assessments."

Among the many comments appearing in the blogosphere was this:

"The blatantly false information presented in this so-called report should make everyone reading it embarrassed for the pseudo-scientists who would peddle this garbage for big oil and gas profit

at the expense of the health of future generations of Americans and the survivability of our planet.”

But the rebuttal was not enough. The **Environmental Defence Fund (EDF)** and the **Union of Concerned Scientists (UCS)** filed a lawsuit in August 2025, *Environmental Defence Fund Inc v. Wright*. They argue that the report is a violation of the Federal Advisory Committee Act, of illegitimate use of the report and that the report harms the public interest.

The DOE response was to dissolve the Climate Working Group, probably in response to the legal pressure, but it will not withdraw the report, and the authors are independently continuing the work, explaining their findings etc.