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COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
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PROPOSED REPORT

POLITICAL INTERFERENCE WITH CLIMATE CHANGE SCIENCE UNDER THE BUSH ADMINISTRATION

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EXECUTIVE SUMMARY

For the past 16 months, the House Oversight and Government Reform Committee has been investigating allegations of political interference with government climate change science under the Bush Administration. During the course of this investigation, the Committee obtained over 27,000 pages of documents from the White House Council on Environmental Quality (CEQ) and the Commerce Department, held two investigative hearings, and deposed or interviewed key officials. Much of the information made available to the Committee has never been publicly disclosed.

This report presents the findings of the Committee's investigation. The evidence before the Committee leads to one inescapable conclusion: the Bush Administration has engaged in a systematic effort to manipulate climate change science and mislead policymakers and the public about the dangers of global warming.

In 1998, the American Petroleum Institute developed an internal "Communications Action Plan" that stated: "Victory will be achieved when ... average citizens 'understand' uncertainties in climate science ... [and] recognition of uncertainties becomes part of the 'conventional wisdom.'" The Bush Administration has acted as if the oil industry's communications plan were its mission statement. White House officials and political appointees in the agencies censored congressional testimony on the causes and impacts of global warming, controlled media access to government climate scientists, and edited federal scientific reports to inject unwarranted uncertainty into discussions of climate change and to minimize the threat to the environment and the economy.

The White House Censored Climate Change Scientists

The White House exerted unusual control over the public statements of federal scientists on climate change issues. It was standard practice for media requests to speak with federal scientists on climate change matters to be sent to CEQ for White House approval. By controlling which government scientists could respond to media inquiries, the White House suppressed dissemination of scientific views that could conflict with Administration policies. The White House also edited congressional testimony regarding the science of climate change.

Former CEQ Chief of Staff Philip Cooney told the Committee: "Our communications people would render a view as to whether someone should give an interview or not and who it should be." According to Kent Laborde, a career public affairs officer at the National Oceanic and Atmospheric Administration, media requests related to climate change issues were handled differently from other requests because "I would have to route media inquiries through CEQ." This practice was particularly evident after Hurricane Katrina. Mr. Laborde was asked, "Did the White House and the Department of Commerce not want scientists who believed that climate change was increasing hurricane activity talking with the press?" He responded: "There was a consistent approach that might have indicated that."

White House officials and agency political appointees also altered congressional testimony regarding the science of climate change. The changes to the recent climate change testimony of Dr. Julie Gerberding, the Director of the Centers for Disease Control and Prevention, have received considerable attention. A year earlier, when Dr. Thomas Karl, the Director of National Climatic Data Center, appeared before the House Oversight Committee, his testimony was also heavily edited by both White House officials and political appointees at the Commerce Department. He was not allowed to say in his written testimony that “modern climate change is dominated by human influences,” that “we are venturing into the unknown territory with changes in climate,” or that “it is very likely (>95 percent probability) that humans are largely responsible for many of the observed changes in climate.” His assertion that global warming “is playing” a role in increased hurricane intensity became “may play.”

The White House Extensively Edited Climate Change Reports

There was a systematic White House effort to minimize the significance of climate change by editing climate change reports. CEQ Chief of Staff Phil Cooney and other CEQ officials made at least 294 edits to the Administration’s *Strategic Plan of the Climate Change Science Program* to exaggerate or emphasize scientific uncertainties or to deemphasize or diminish the importance of the human role in global warming.

The White House insisted on edits to EPA’s draft *Report on the Environment* that were so extreme that the EPA Administrator opted to eliminate the climate change section of the report. One such edit was the inclusion of a reference to a discredited, industry-funded paper. In a memo to the Vice President’s office, Mr. Cooney explained: “We plan to begin to refer to this study in Administration communications on the science of global climate change” because it “contradicts a dogmatic view held by many in the climate science community that the past century was the warmest in the past millennium and signals of human induced ‘global warming.’”

In the case of EPA’s *Air Trends Report*, CEQ went beyond editing and simply vetoed the entire climate change section of the report.

Other White House Actions

The White House played a major role in crafting the August 2003 EPA legal opinion disavowing authority to regulate greenhouse gases. CEQ Chairman James Connaughton personally edited the draft legal opinion. When an EPA draft quoted the National Academy of Science conclusion that “the changes observed over the last several decades are likely mostly due to human activities,” CEQ objected because “the above quotes are unnecessary and extremely harmful to the legal case being made.” The first line of another internal CEQ document transmitting comments on the draft EPA legal opinion reads: “Vulnerability: science.” The final opinion incorporating the White House edits was rejected by the Supreme Court in April 2007 in *Massachusetts v. EPA*.

The White House also edited a 2002 op-ed by EPA Administrator Christine Todd Whitman to ensure that it followed the White House line on climate change. Despite

objections from EPA, CEQ insisted on repeating an unsupported assertion that millions of American jobs would be lost if the Kyoto Protocol were ratified.

I. INTRODUCTION

A. State of the Science

The basic science of climate change has been well understood for many years.

The Intergovernmental Panel on Climate Change (IPCC) is the preeminent international global warming study panel comprised of top scientists from around the world. In 1990, the IPCC released its First Assessment Report, which found that anthropogenic emissions were substantially increasing the atmospheric concentrations of greenhouse gases and would enhance the greenhouse effect.¹

In 1995, the IPCC released its Second Assessment Report, which found “[t]he balance of evidence suggests a discernable human influence on global climate.”²

In 2001, the IPCC released its Third Assessment Report, which confirmed that the planet was warming and found that “[t]here is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities.”³

A key U.S. report was prepared by the National Academy of Sciences in June 2001. In the opening paragraph of its report, the National Academy explained:

Greenhouse gases are accumulating in Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. The changes observed over the last several decades are likely mostly due to human activities, but we cannot rule out that some significant part of these changes is also a reflection of natural variability. Human-induced warming and associated sea level rises are expected to continue through the 21st century.⁴

The National Academy also stated:

The IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase in greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue.⁵

¹ Intergovernmental Panel on Climate Change, *Summary for Policymakers: Scientific Assessment of Climate Change* (1990).

² Intergovernmental Panel on Climate Change, *Summary for Policymakers: The Science of Climate Change* (1995).

³ Intergovernmental Panel on Climate Change, *Climate Change 2001: The Scientific Basis, Summary for Policymakers* (2001).

⁴ National Academy of Sciences, *Climate Change Science: An Analysis of Some Key Questions* (June 2001).

⁵ *Id.*

The report concluded that “[g]lobal warming could well have serious adverse societal and ecological impacts by the end of this century, especially if globally-averaged temperature increases approach the upper end of the IPCC projections.”⁶

This year, the IPCC issued four new reports that further strengthened these conclusions, describing the certainty and causes of global warming, the impacts of global warming, and the options for addressing global warming. In its first report in February, the IPCC found:

Warming of the climate system is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global average sea level.⁷

Furthermore, the IPCC found that most of the increase in globally-averaged temperatures since the mid-20th century is “very likely” due to human-caused increased greenhouse gas concentrations.⁸ The IPCC asserted that it is more than 90% certain that global warming is mostly caused by humans.

In its second report in April, the IPCC found that due to global climate change, it was “very likely” that the frequency of floods would increase, “likely” that the frequency of droughts would increase, and “likely” that hurricane intensity would increase.⁹

In its third report in May, the IPCC found that “[c]limate change policies related to energy efficiency and renewable energy are often economically beneficial, improve energy security and reduce local pollutant emissions.”¹⁰

In the final report in November, the IPCC integrated the findings of the year’s prior three reports into a single document.¹¹ The scientist and economist who heads the IPCC concluded: “If there’s no action before 2012, that’s too late. . . . What we do in the next two to three years will determine our future. This is the defining moment.”¹²

As these reports and countless others demonstrate, there is a scientific consensus that the Earth is warming and will continue to warm primarily as a result of emissions from human activities. This warming will have serious, potentially catastrophic impacts, including increased floods, droughts, and hurricane intensity.

⁶ *Id.*

⁷ Intergovernmental Panel on Climate Change, *Climate Change 2007: The Physical Science Basis, Summary for Policymakers* (Feb. 2007).

⁸ *Id.*

⁹ Intergovernmental Panel on Climate Change, *Climate Change 2007: Climate Change Impacts, Adaptation and Vulnerability, Summary for Policymakers* (Apr. 2007).

¹⁰ Intergovernmental Panel on Climate Change, *Climate Change 2007: Climate Change Impacts, Mitigation of Climate Change, Summary for Policymakers* (May 2007).

¹¹ Intergovernmental Panel on Climate Change, *Climate Change 2007: Synthesis Report* (Nov. 2007).

¹² UN Panel: *World Has 5 years to Avert Climate “Disaster”*, New York Times (Nov. 18, 2007).

B. The Committee's Investigation

The Committee began its bipartisan investigation into allegations of political interference with government climate change science in July 2006, when Rep. Tom Davis, who was then the Chairman of the Committee, and Rep. Henry A. Waxman, who was then the Ranking Member, wrote to James Connaughton, the Chairman of the White House Council on Environmental Quality. This letter requested documents from CEQ regarding reports that CEQ made edits to climate change reports and efforts to manage or influence the public statements of government climate scientists.¹³

On September 19, 2006, Rep. Waxman sent a separate document request to the Department of Commerce regarding evidence that the Department prevented government scientists from publicly discussing their research on the link between global warming and increased hurricane intensity.¹⁴

CEQ and the Commerce Department resisted providing many of the documents requested by the Committee. Correspondence exchanged between the Committee and CEQ describes the objections raised by CEQ and the Committee's response.¹⁵ Chairman Waxman and Ranking Member Davis met with Mr. Connaughton on May 10, 2007, and August 1, 2007, to seek to resolve these disputes.

Ultimately, the disputes over document production were resolved. Over the course of the investigation, the Committee received approximately 27,000 pages of documents from CEQ in response to the Committee's requests. The Department of Commerce also provided hundreds of pages of documents to the Committee.

On January 30, 2007, the Committee held its first hearing to examine allegations of political interference with government climate change science.¹⁶ At this hearing, the Committee heard testimony from Rick Piltz, formerly a Senior Associate at the U.S. Climate Change Science Program; Dr. Drew Shindell, an atmospheric physicist at NASA's Goddard Institute for Space Studies; and Dr. Francesca Grifo of the Union of Concerned Scientists.

¹³ Letter from Reps. Tom Davis and Henry A. Waxman to James L. Connaughton (July 20, 2006).

¹⁴ Letter from Rep. Henry A. Waxman to Carlos M. Gutierrez (Sep. 19, 2006).

¹⁵ See Letter from James Connaughton to Reps. Henry A. Waxman and Tom Davis (Jan. 29, 2007); Letter from James Connaughton to Reps. Henry A. Waxman and Tom Davis (Feb. 9, 2007); Letter from Reps. Henry A. Waxman and Tom Davis to James Connaughton (Feb. 14, 2007); Letter from Reps. Henry A. Waxman and Tom Davis to James Connaughton (Feb. 26, 2007); Letter from James Connaughton to Reps. Henry A. Waxman and Tom Davis (Apr. 25, 2007); Letter from Reps. Henry A. Waxman and Tom Davis to James Connaughton (June 20, 2007); Letter from James Connaughton to Reps. Henry A. Waxman and Tom Davis (June 27, 2007); Letter from Reps. Henry A. Waxman and Tom Davis to James Connaughton (June 28, 2007); Letter from Martin Hall to Reps. Henry A. Waxman and Tom Davis (July 23, 2007); Letter from Reps. Henry A. Waxman and Tom Davis to James Connaughton (July 27, 2007); Letter from Reps. Henry A. Waxman and Tom Davis to James Connaughton (Aug. 23, 2007); Letter from James Connaughton to Reps. Henry A. Waxman and Tom Davis (Sept. 12, 2007).

¹⁶ House Committee on Oversight and Government Reform, *Hearing on Allegations of Political Interference with Science: Global Warming*, 110th Cong. (Jan. 30, 2007).

On March 19, 2007, the Committee held its second hearing.¹⁷ At this hearing, the Committee heard testimony from Philip Cooney, former CEQ Chief of Staff; CEQ Chairman James Connaughton; Dr. James Hansen, the Director of NASA's Goddard Institute for Space Studies; and George Deutsch, a former NASA public affairs officer.

During the course of the investigation, the Committee also deposed Mr. Cooney and conducted a transcribed interview with Kent Laborde, a career public affairs officer at NOAA.¹⁸

II. FINDINGS

A. The White House Censored Climate Scientists

The White House exerted unusual control over the public statements of federal scientists on climate change issues. It was standard practice for media requests to speak with federal scientists on climate change matters to be sent to CEQ for White House approval. By controlling which government scientists could respond to media inquiries, the White House and agency political appointees suppressed dissemination of scientific views that could conflict with Administration policies. The White House and political appointees also edited congressional testimony regarding the science of climate change.

1. The White House Controlled which Climate Scientists Could Speak with the Media

a. NOAA

CEQ routinely controlled which climate scientists at the National Oceanic and Atmospheric Administration (NOAA) could speak with the media. The White House and the Department of Commerce used this control to steer journalists towards scientists that did not believe that there was a link between climate change and increased hurricane intensity.

CEQ documents and a transcribed interview with Kent Laborde, a career public affairs officer at NOAA, demonstrate that all media requests to interview NOAA climate scientists were sent to CEQ for approval.

Mr. Laborde explained to Committee staff: "I would have to route media inquiries through CEQ. That didn't change after Katrina, and it only recently ended."¹⁹ He also

¹⁷ House Committee on Oversight and Government Reform, *Hearing on Allegations of Political Interference with Science: Global Warming, Part II*, 110th Cong. (Mar. 19, 2007).

¹⁸ House Committee on Oversight and Government Reform, Interview with Kent P. Laborde (Aug. 9, 2007); House Committee on Oversight and Government Reform, Deposition of Philip Cooney (Mar. 12, 2007).

¹⁹ House Committee on Oversight and Government Reform, Interview with Kent P. Laborde, 20 (Aug. 9, 2007).

stated: “at the time all of these things, particularly sensitive issues were vetted or were routed through CEQ to get their approval.”²⁰ According to Mr. Laborde, climate change was considered a high profile issue and “[a]nything that was very high profile, anything that related to policy, anything that particularly related to a current policy debate or policy deliberation” had to be routed through CEQ for approval.²¹ In fact, climate change was apparently the only issue that fell into this category. When asked whether interview requests related to any other issues required CEQ approval, Mr. Laborde responded: “Besides climate? No. Not that I personally dealt with.”²² Mr. Laborde said that Jordan St. John, the director of the NOAA communications office, “instructed me that I should check with CEQ.”²³ Over time, “[i]t just became a kind of tacit understanding” that all such requests must be sent to CEQ.²⁴ Press releases related to climate change would also be sent to the Department of Commerce communications office for approval and then to the White House “for their awareness.”²⁵

During his deposition, former CEQ Chief of Staff Phil Cooney confirmed that CEQ was directly involved in screening press requests to interview government scientists. He testified: “Our communications people would render a view as to whether someone should give an interview or not or who it should be.”²⁶ He also testified: “I was — may have been involved.”²⁷

Evidence obtained by the Committee shows that public affairs officers knew that climate change was a politically sensitive issue for the Administration. For example, on September 22, 2005, Scott Smullen, the deputy director of the NOAA public affairs office, e-mailed Mr. Laborde about a press request to interview Dr. Richard Reynold regarding warming of the Gulf of Mexico and its causes. In his e-mail, Mr. Smullen stated that the interview “is cleared, with the caveat that we tell richard to be very careful with how he frames the global warming signal aspect. sensitivities there, as you know.”²⁸ During his interview, Mr. Laborde confirmed “there was an ambient awareness that this has a greater level of sensitivity than any of our other issues.”²⁹ He stated: “I can’t say exactly where it came from, but there was an elevated awareness when people were talking about climate that a lot of what they would be saying is scrutinized.”³⁰ He explained: “Any time that there was a scientific underpinning for a certain policy that

²⁰ *Id.* at 72.

²¹ *Id.* at 12.

²² *Id.* at 2.

²³ *Id.* at 13.

²⁴ *Id.* at 14.

²⁵ *Id.* at 87-88. According to Mr. Laborde, in the year following hurricane Katrina, there was an even broader, more demanding approval process. During that period, “all requests, whether they were climate-related or not, were sent to Department of Commerce for their approval. *Id.* at 35. Mr. Laborde stated that “these extra layers really slowed the process down.” *Id.* at 67-68.

²⁶ House Committee on Oversight and Government Reform, Deposition of Philip Cooney, 162 (Mar. 12, 2007).

²⁷ *Id.* at 161.

²⁸ E-mail from Scott Smullen to Kent Laborde (Sep. 22, 2005).

²⁹ House Committee on Oversight and Government Reform, Interview with Kent P. Laborde, 82-83 (Aug. 9, 2007).

³⁰ *Id.*

people were afraid that — were leery that maybe the science would lean into some sort of policy outcome. … It was public affairs leadership. It was NOAA leadership. It was Department of Commerce leadership.”³¹

Mr. Laborde confirmed that CEQ was the ultimate decision-maker on whether an interview request would be granted. When asked whether an interview would take place if CEQ disapproved, Mr. Laborde answered: “No, it would not have gone forward.”³² He explained: “they would give either the green light or otherwise.”³³ He also confirmed that the Department of Commerce could veto any media request; if the Department “disapproved a request then that interview wouldn’t happen.”³⁴

Mr. Laborde and his career colleagues in the NOAA public affairs office did not believe that the White House’s role was appropriate. When asked “Did you personally think it was appropriate for the White House to decide whether a government scientist could speak with the press,” he responded “No.”³⁵ And when asked whether other career officials in his office agreed with him, he stated: “They felt the same way.”³⁶

White House control of press access to government climate scientists went beyond approving or rejecting interview requests. Michele St. Martin, Associate Director of Communications at CEQ, required Mr. Laborde to provide written summaries of interviews that were approved. In a June 13, 2005, e-mail, Mr. Laborde told another NOAA official: “Michele wants me to monitor the call and report back to her when it’s done.”³⁷ He explained to Committee staff that she “pretty often” instructed him to produce “a summary of an interview that was done.”³⁸ When a reporter from the *New York Times* requested an interview with Dr. James Mahoney, Director of the Climate Change Science Program, in August 2005, Ms. St. Martin approved the interview, but instructed Mr. Laborde: “Give me a wrap up of the interview and how you think it went.”³⁹ In response questions about this practice, Mr. Laborde told Committee staff: “Yes, it happened more than once.”⁴⁰

The Department of Commerce also instructed NOAA public affairs officers to “carry specific instructions about messages to our scientists.”⁴¹ In an October 18, 2005, e-mail to Mr. Laborde regarding a request for Dr. Christopher Landsea to appear on the *NewsHour with Jim Lehrer*, Chuck Fuqua, deputy director of communications at the

³¹ *Id.* at 17.

³² *Id.* at 23.

³³ *Id.* at 72.

³⁴ *Id.* at 44.

³⁵ *Id.* at 24.

³⁶ *Id.* at 24-25.

³⁷ E-mail from Kent Laborde to Jana Goldman (June 13, 2005).

³⁸ House Committee on Oversight and Government Reform, Interview with Kent P. Laborde, 23 (Aug. 9, 2007).

³⁹ E-mail from Michele St. Martin to Kent Laborde (Aug. 19, 2005).

⁴⁰ House Committee on Oversight and Government Reform, Interview with Kent P. Laborde, 45-46 (Aug. 9, 2007).

⁴¹ *Id.* at 43.

Department of Commerce, told Mr. Laborde: “make sure Chris is on message.”⁴² Mr. Fuqua had been the Director of Media Operations for the 2004 Republican National Convention.⁴³ When asked by Committee staff whether he believed it was appropriate for public affairs officers to tell scientists what they should and should not say when speaking with the press, Mr. Laborde stated: “It’s inappropriate if it’s related to their subject matter or their science because they are the experts on this. We’re not.”⁴⁴

After Hurricane Katrina, there was a concerted effort by the White House and Department of Commerce to direct media inquiries to scientists who did not think climate change was linked to increased hurricane intensity.

For example, in October 2005, NOAA received a request from the CNBC show *On the Money* for Dr. Tom Knutson to appear and discuss whether global warming is contributing to the number or intensity of hurricanes. In an October 19, 2005, e-mail, Chuck Fuqua of the Department of Commerce asked Mr. Laborde: “what is Knutson’s position on global warming vs. decadal cycles? Is he consistent with Bell and Landsea?”⁴⁵ Dr. Bell and Dr. Landsea believed that the recent intensification of hurricanes was the result of natural variability. Mr. Laborde responded: “He is consistent, but a bit of a different animal. . . His take is that even with worse case projections of green house gas concentrations, there will be a very small increase in hurricane intensity that won’t be realized until almost 100 years from now.”⁴⁶ In his reply e-mail, Mr. Fuqua stated: “why can’t we have one of the other guys on then?”⁴⁷ Mr. Laborde explained that “Bell is unavailable because of other commitments and Landsea is busy at the hurricane center with Wilma.”⁴⁸

Chuck Fuqua then sent an e-mail to Katie Levinson, the Director of White House Television Operations, and Michele St. Martin at CEQ. Mr. Fuqua wrote:

My understanding is that Knutson has been approved by CEQ for interviews on this topic in the past. He is a modeler and comes from a bit of a different angle, but is apparently consistent with Dr. Bell and Chris Landsea who represent the position that we are in a decadal cycle and that warming is not the cause of increased hurricane activity. Bell and Landsea are not available for this and I’ve pressed NOAA to make sure he’s consistant [sic] with the views represented, and am assured he is.⁴⁹

⁴² E-mail from Chuck Fuqua to Kent Laborde (Oct. 18, 2005).

⁴³ George Washington University website, Republican National Convention — Organization (accessed on Nov. 21, 2007) (online at <http://www.gwu.edu/~action/2004/convs/rconvorg.html>).

⁴⁴ House Committee on Oversight and Government Reform, Interview with Kent P. Laborde, 43 (Aug. 9, 2007).

⁴⁵ E-mail from Chuck Fuqua to Kent Laborde (Oct. 19, 2005; 11:04 a.m.).

⁴⁶ E-mail from Kent Laborde to Chuck Fuqua (Oct. 19, 2005; 11:11 a.m.).

⁴⁷ E-mail from Chuck Fuqua to Kent Laborde (Oct. 19, 2005; 11:13 a.m.).

⁴⁸ E-mail from Kent Laborde to Chuck Fuqua (Oct. 19, 2005; 11:14 a.m.).

⁴⁹ E-mail from Chuck Fuqua to Katie Levinson and Michele St. Martin (Oct. 19, 2005; 12:01 p.m.).

In the next e-mail, Katie Levinson responded by asking: “Do we really want to be having this debate on a day when a Cat 5 is about to hit? Seems to me we would want our guys out talking about preparations for the storm.”⁵⁰ In a subsequent e-mail she wrote: “Focus should be on this hurricane not academic debate in my opinion.”⁵¹ Mr. Fuqua agreed, stating: “I’ll take that tact during the hurricane.”⁵²

After the e-mail discussion with the White House, Mr. Fuqua instructed Mr. Laborde to contact *On the Money*. Mr. Laborde told Committee staff: “the response was tell them that we’re busy with an active hurricane right now and we don’t have time to talk about science right now.”⁵³ When asked by Committee staff whether that was an accurate statement, Mr. Laborde answered: “I didn’t feel so, no.”⁵⁴ In response to the question “Had Dr. Bell or Dr. Landsea been available, do you think he would have said, don’t send them, we’re too busy,” Mr. Laborde said: “No.”⁵⁵

During his interview, Mr. Laborde explained: “I think that the intention was to show a unified position on opinion from within the agency on what’s driving hurricanes.”⁵⁶ Mr. Fuqua wanted a unified position “on the scientific question” even though “[t]here was not a scientific consensus necessarily.”⁵⁷ When asked why Mr. Fuqua wanted Dr. Bell or Dr. Landsea to appear on the program instead of Dr. Knutson, Mr. Laborde told Committee staff: “it’s probably because he wanted a consistent message coming from the agency.”⁵⁸

Mr. Laborde’s understanding is confirmed by e-mails between the White House and Chuck Fuqua regarding other media requests from September 2005. The *Today Show* requested Dr. Gerry Bell “to discuss if there is a link between hurricanes and global warming.”⁵⁹ Ms. Levinson responded: “Not sure this is a good idea. Gets into Al Gore statement/politics of global warming.”⁶⁰ Dana Perino, then White House Deputy Press Secretary, interjected: “Problem is we need people to be pushing back on his statements — especially when the facts are on our side. If you don’t want a fed gov scientist on, can NOAA suggest a surrogate?”⁶¹ Michele St. Martin added: “We should be out there with our statement that says no connection … it is accurate and 90% of scientists agree.”⁶² Despite the absence of an actual scientific consensus on the link between hurricane intensity and global warming, White House and Commerce Department officials were

⁵⁰ E-mail from Katie Levinson to Chuck Fuqua and Michele St. Martin (Oct. 19, 2005; 12:05 p.m.).

⁵¹ E-mail from Katie Levinson to Chuck Fuqua and Michele St. Martin (Oct. 19, 2005; 12:13 p.m.).

⁵² E-mail from Chuck Fuqua to Katie Levinson and Michele St. Martin (Oct. 19, 2005; 12:12 p.m.).

⁵³ House Committee on Oversight and Government Reform, Interview with Kent P. Laborde, 39 (Aug. 9, 2007).

⁵⁴ *Id.* at 40.

⁵⁵ *Id.* at 40.

⁵⁶ *Id.* at 36.

⁵⁷ *Id.* at 36.

⁵⁸ *Id.* at 38.

⁵⁹ E-Mail from Chuck Fuqua to Katie Levinson (Sept. 19, 2005; 4:40 p.m.).

⁶⁰ E-mail from Katie Levinson to Chuck Fuqua (Sept. 19, 2005; 4:40 p.m.).

⁶¹ E-mail from Dana Perino to Katie Levinson and Chuck Fuqua (Sept. 19, 2005; 4:42 p.m.).

⁶² E-mail from Michele St. Martin to Dana Perino, Katie Levinson, and Chuck Fuqua (Sept. 19, 2005; 4:44 p.m.).

intent on selectively providing media access to government scientists who would deny the existence of such a link.

These were not isolated occurrences. According to Mr. Laborde: “There was a preference for which scientists would respond to inquiries.”⁶³ When asked ‘Did the White House and the Department of Commerce not want scientists who believed that climate change was increasing hurricane activity talking with the press,’ he responded: “I’ve never heard that expressly stated. … There was a consistent approach that might have indicated that.”⁶⁴ Mr. Laborde was also asked to assess the accuracy of Rick Piltz’s statement that “NOAA’s actions are often subtle but they reflect a pervasive pattern of deflecting the public’s attention and manipulating the way science is presented to the public.” Mr. Laborde stated: “I would say that there is some truth in that. … I would say that there was an influence that was exerted over who could speak.”⁶⁵

b. NASA

Administration efforts to censor climate scientists extended beyond NOAA and the issue of increased hurricane intensity. Sworn statements to Congress and internal e-mails from the National Aeronautics and Space Administration (NASA) reveal a pattern of political interference with the efforts of NASA climate scientists to share their research findings with the public.

Like some of his colleagues at NOAA, Dr. James Hansen, a climate scientist and Director of NASA’s Goddard Institute for Space Studies, was prevented by political appointees from giving a press interview about climate change. On December 8, 2005, a *National Public Radio (NPR)* journalist requested an interview with Dr. Hansen about global warming.⁶⁶ The request e-mail was sent to Leslie Nolan McCarthy, a career civil servant in the Goddard Institute’s public outreach office. According to Ms. McCarthy, about a week earlier, a career public affairs officer for NASA’s Science Mission Directorate named Dwayne Brown told her that “there were ‘heavy politics’ at NASA Headquarters and that the ‘only emphasis is to not make President look bad.’ He also said that he had ‘never seen this as bad.’”⁶⁷

Within two hours of Ms. McCarthy’s receipt of the *NPR* interview request, George Deutsch, a political appointee in NASA’s press office, sent an e-mail to Dr. Colleen Hartman, a Deputy Associate Administrator at NASA. He wrote: “We discussed it with the 9th Floor, and it was decided that we’d like you to handle this interview.”⁶⁸ At a March 19, 2007, Oversight Committee hearing, Mr. Deutsch testified that the “9th Floor”

⁶³ House Committee on Oversight and Government Reform, Interview with Kent P. Laborde, 85 (Aug. 9, 2007).

⁶⁴ *Id. at* 40-41.

⁶⁵ *Id. at* 82-83.

⁶⁶ E-mail from National Public Radio to Leslie Nolan McCarthy (Dec. 8, 2005; 3:02 p.m.).

⁶⁷ Affidavit of Leslie Nolan McCarthy (Mar. 19, 2007).

⁶⁸ E-Mail from George Deutsch to Colleen Hartman, *et al.* (Dec. 8, 2005; 4:49 p.m.).

referred to NASA Press Secretary Dean Acosta.⁶⁹ When asked whether he was “telling Dr. Hansen’s staff to tell him that the higher-ups didn’t want him to be on National Public Radio,” Mr. Deutsch told the Committee: “That’s fair.”⁷⁰ According to Mr. Deutsch, the press secretary’s main concern was “hitting our messages and not getting dragged down into any discussions we shouldn’t get into.”⁷¹

The next day, Mr. Deutsch sent an e-mail to Ms. McCarthy stating: “Senior management has asked us not to use Jim Hansen for this interview.”⁷² Sixteen minutes later, George Deutsch and Dwayne Brown left Ms. McCarthy a voicemail “in which they said that they did not want Dr. Hansen to do the NPR interview.”⁷³

Three days later, on December 12, 2005, Mr. Deutsch wrote another e-mail to Ms. McCarthy, stating: “Headquarters does not want Dr. Hansen doing this interview tomorrow.”⁷⁴ Mr. Brown also left another voicemail message to say “no NPR interview.”⁷⁵ According to Ms. McCarthy, “Mr. Brown also stated: ‘If Hansen does interview, there will be dire consequences.’”⁷⁶ In the voicemail, Mr. Brown also explained that “NPR turned down Colleen Hartman” and “may try to get Hansen.”⁷⁷

That afternoon, Ms. McCarthy participated in a conference call with George Deutsch, Dwayne Brown, and others. According to a signed affidavit Ms. McCarthy submitted to the Committee:

Mr. Brown and Mr. Deutsch explained that they had offered Drs. Cleave and Hartman as guests to NPR, but that NPR “kept pressing for Hansen.” Mr. Brown and Mr. Deutsch reported that the 9th Floor said: “Do not do interview.” Don Savage (a career employee and deputy head of public affairs at the [Goddard Space Flight Center]) responded that we “always referred reporters to those scientists with expertise in their field” and that nothing is “solved by muzzling scientists.”⁷⁸

Nearly a month later, the political appointees at NASA were still concerned about Dr. Hansen speaking with the press. On January 2, 2006, Dwayne Brown told Ms. McCarthy that “political sensitivities are at a high level right now.”⁷⁹ And on January 9, 2006,

⁶⁹ House Committee on Oversight and Government Reform, *Hearing on Allegations of Political Interference with Science: Global Warming, Part II*, 110th Cong. (Mar. 19, 2007).

⁷⁰ *Id.*

⁷¹ *Id.*; see also, e-mail from George Deutsch (Dec. 8, 2005; 5:05 p.m.).

⁷² E-mail from George Deutsch to Leslie Nolan McCarthy, *et al.* (Dec. 9, 2005; 11:51 a.m.).

⁷³ Affidavit of Leslie Nolan McCarthy (Mar. 19, 2007).

⁷⁴ E-mail from George Deutsch to Leslie Nolan McCarthy (Dec. 12, 2005; 1:46 p.m.).

⁷⁵ Affidavit of Leslie Nolan McCarthy (Mar. 19, 2007).

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

George Deutsch told her that “Hansen is extremely disrespectful of government — this belief is shared by management.”⁸⁰

Ultimately, Dr. Hansen was not permitted to do the interview with NPR about climate change science. During his March 2007 testimony before the Committee, Dr. Hansen explained that this type of political interference is “going on all the time, but most of the people doing that … won’t make the mistake of putting the thing on paper like that.”⁸¹ Referring to the threat of “dire consequences,” he added: “It’s unusual that they will make such an explicit threat. … [T]he mechanisms for keeping government scientists in line with policy are pretty powerful, and they don’t need to make an explicit threat.”⁸²

Dr. Hansen expressed serious concerns about the impact of this political interference on the public discourse:

The effect of the filtering of climate change science during the current Administration has been to make the reality of climate change less certain than the facts indicate and to reduce concern about the relation of climate change to human-made greenhouse gas emissions.

* * *

There is little doubt that the Administration’s downplaying of evidence about global warming has had some effect on public perception of the climate change issue. The impact is to confuse the public about the reality of global warming, and about whether that warming can be reliably attributed to human-made greenhouse gases.⁸³

Dr. Drew Shindell, another NASA climate scientist, raised similar concerns in his testimony before the Committee:

Suppression of results demonstrating ever-increasing scientific knowledge of the principles underlying global warming, of the data demonstrating its rapidity and its consequences, and exaggeration of the remaining scientific uncertainties, certainly gave the appearance that scientific evidence that could undermine a rationale for inaction on climate change was being targeted.⁸⁴

2. The White House Extensively Edited Congressional Testimony Regarding Climate Science

White House officials and agency political appointees also altered congressional testimony regarding the science of climate change. The changes to the recent climate

⁸⁰ *Id.*

⁸¹ House Committee on Oversight and Government Reform, *Hearing on Allegations of Political Interference with Science: Global Warming, Part II*, 110th Cong. (Mar. 19, 2007).

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

change testimony of Dr. Julie Gerberding, the Director of the Centers for Disease Control and Prevention, have received considerable attention. A comparison of Dr. Gerberding’s draft written statement and her final statement after White House review showed that the White House dramatically altered her testimony by eliminating two entire sections of the testimony entitled “Climate Change is a Public Health Concern” and “Climate Change Vulnerability.”⁸⁵ Dr. Gerberding’s experience is not an isolated one. There are other examples of the White House altering congressional testimony to downplay the threat of global warming.

On July 20, 2006, Dr. Thomas Karl, the Director of NOAA’s National Climatic Data Center, testified before the Committee about climate change science. Previously undisclosed internal documents reveal that Dr. Karl’s written and oral testimony was extensively edited by the White House and political appointees at NOAA and the Commerce Department.

On July 12, 2006, NOAA circulated draft written testimony for comment.⁸⁶ Six days later, Bob Rainey of CEQ provided a number of edits to Holly Fitter of OMB. According to Ms. Fitter’s notes, Mr. Rainey told her that “these comments come from high up the chain at CEQ.”⁸⁷ Several of the edits are reflected in the final testimony Dr. Karl submitted to the Committee. For example:

- The initial draft read: “The state of the science continues to indicate that modern climate change is dominated by human influences.” Mr. Rainey replaced “dominated” with “affected,” which significantly weakened the statement. His explanatory comment was: “not supported by evidence, there are views all over the place.”⁸⁸
- Mr. Rainey deleted the statement: “In many respects we are venturing into the unknown territory with changes in climate, and its associated effects.” His comment was: “doesn’t add anything to testimony & opens up for real hard question.”⁸⁹

These edits were reinforced by a July 18 e-mail sent from Kelly Brown of the Commerce Department’s Office of General Counsel to NOAA. The e-mail stated: “These comments are in addition to the two CEQ edits we just discussed for the Conclusion paragraph on page 10 (replacing ‘dominated’ with ‘affected’, and deleting the last sentence).”⁹⁰

The White House Office of Management and Budget also made changes to the testimony that appeared in the final version. For instance:

⁸⁵ Senate Committee on Environment and Public Works, *Statement of Julie L. Gerberding* (Oct. 23, 2007); Senate Committee on Environment and Public Works, draft *Statement of Julie L. Gerberding*.

⁸⁶ E-mail from Noel Turner to Jennifer Sprague, *et al.* (July 12, 2006).

⁸⁷ E-mail from Kelly Brown to Holly Fitter (July 14, 2006; 4:37 p.m.).

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ E-mail from Kelly Brown to Noel Turner (July 18, 2006; 2:37 p.m.).

- The draft read: “it is very likely (>95 percent probability) that humans are largely responsible for many of the observed changes in climate over the past several decades.” OMB deleted the statement. The accompanying comment was: “Haven’t seen this before — what’s source? Is it his personal opinion — vs — Admin’s position? OMB’s open to reworking (vs — deletion).”⁹¹
- OMB also insisted on weakening the following statement: “The state of the science continues to indicate that modern climate change is dominated by human influences.” OMB commented: “The testimony does not seem to adequately demonstrate/support this statement.”⁹²

Some efforts by CEQ and OMB to weaken the testimony’s statements regarding climate change science were rebuffed by NOAA. For instance:

- The initial draft read: “there is considerable confidence that the observed warming, especially the period since 1970s is *mostly attributable to* increases in greenhouse gases.” Mr. Rainey sought to change this to “there is considerable confidence that the observed warming, especially the period since 1970s is *influenced by* increases in greenhouse gases.”⁹³ In this case, however, Mr. Rainey told OMB “he may back off this if he’s not right. He’d like to talk to Karl about that.”⁹⁴
- The draft included the factual statement: “Recent carbon dioxide emission trends in the United States are upward.” OMB responded: “Why is it relevant to point this out here?”⁹⁵
- The draft read: “Today, there is convincing evidence from a variety of model and data climate attribution studies pointing to human influences on climate.” OMB commented: “Insufficient evidence here that it is ‘convincing.’”⁹⁶

Political appointees at NOAA and the Commerce Department made their own attempts to water down Dr. Karl’s testimony to the Committee. On July 14, 2006, Jennifer Sprague, Policy Advisor in the Office of the Under Secretary of Commerce for Oceans and Atmosphere, appears to have made several edits. She deleted the statement that climate change and its associated effects “could be quite disruptive.”⁹⁷ She also eliminated the statement: “The rate of human-induced climate change is projected to be much faster than most natural processes prevailing over the past 10,000 years.” Her explanatory

⁹¹ *Id.*

⁹² *Id.*

⁹³ E-mail from Kelly Brown to Holly Fitter (July 14, 2006; 4:37 p.m.) (emphases added).

⁹⁴ *Id.*

⁹⁵ E-mail from Holly Fitter to Kelly Brown, *et al.* (July 17, 2006; 1:31 p.m.).

⁹⁶ E-mail from Kelly Brown to Noel Turner (July 18, 2006; 2:37 p.m.).

⁹⁷ E-mail from Jennifer Sprague to Noel Turner (July 14, 2006; 11:22 a.m.).

comment was: “Speculation. No need to state.”⁹⁸ Ms. Sprague also cut the line: “Global changes in the atmospheric composition occur from anthropogenic emissions of greenhouse gases, such as carbon dioxide that results from burning fossil fuels and methane and nitrous oxide from multiple human activities.” None of the statements she deleted appeared in Dr. Karl’s final written testimony.

Ahsha Tribble, Technical Chief of Staff in the Office of Assistant Secretary of Commerce for Oceans and Atmosphere, made some of the same edits. In addition, with respect to hurricanes, she replaced “global warming *is playing* some role in the increased activity” with the less certain statement “climate change *may play* some role in the increased hurricane intensity.”⁹⁹

Moreover, Eric Webster, NOAA’s Director of Legislative Affairs, made “significant modifications” to Dr. Karl’s oral testimony.¹⁰⁰ For example, the original draft testimony read: “Slide 1 shows a strong positive correlation between increases in carbon dioxide and global temperature.” Mr. Webster called into question human causation of climate change when he changed the statement to read: “While Slide 1 shows a strong positive correlation between increases in carbon dioxide and global temperature, a specific cause and effect relationship cannot be assumed.”¹⁰¹ Dr. Karl included that caveat in his actual oral statement.

In September 2005, in the aftermath of Hurricane Katrina, Max Mayfield, the Director of the National Hurricane Center, was scheduled to testify before the Senate Commerce Committee. On September 6, 2005, Tom Jones of Senator Ted Stevens’ Commerce Committee staff e-mailed Noel Turner in NOAA’s Office of Legislative Affairs. He wrote:

We’re going to work on smacking the shit out of this issue. At the hearing on the 14th we’re going to ask max mayfield about it. I’d love to have an answer from him that doesn’t contain any long words or flavor of equivocation. Something like, “mr chairman, the individuals who are implying that Katrina has something to do with global warming are just plain wrong. They don’t understand the science and they’re shamelessly trying to make political hay out of a national tragedy.”¹⁰²

Noel Turner then e-mailed John Sokich of NOAA, stating:

Talked to Tom Jones a bit today, and have additional insight into what he is looking for. With respect to the climate change issue, he is looking for something quotable. I believe his exact words were something “pithy, short, and quotable.” While I don’t think his verbiage is quite right, he is looking for something along the lines of “Mr chairman, the individuals who are implying that Katrina has

⁹⁸ E-mail from Jennifer Sprague to Noel Turner (July 14, 2006; 11:22 a.m.).

⁹⁹ E-mail from Ahsha Tribble to Noel Turner (July 14, 2006; 1:11 p.m.) (emphases added).

¹⁰⁰ E-mail from Eric Webster to Thomas Karl (July 20, 2006; 12:32 a.m.).

¹⁰¹ *Id.*

¹⁰² E-mail from Tom Jones to Noel Turner (Sep. 6, 2005; 1:50 p.m.).

something to do with global warming are just plain wrong. They don't understand the science and they're shamelessly trying to make political hay out of a national tragedy." I would not say that, verbatim, would be appropriate for either the VADM [Vice Admiral Lautenbacher, Undersecretary of Commerce for Oceans and Atmosphere] or Max, as it just doesn't sound like something they'd say — but if we can get something close and quotable, that would probably be good. ... I think [t]he number one priority with this hearing is making FEMA look bad. Number two could be killing the climate change and hurricanes issue."¹⁰³

This political motivation seems to have impacted NOAA testimony and talking points. Mr. Mayfield's written testimony included the statement: "The increased activity since 1995 is due to natural fluctuations/cycles of hurricane activity driven by the Atlantic Ocean itself along with the atmosphere above it and not enhanced substantially by global warming."¹⁰⁴ The same sentence appeared in Mr. Mayfield's September 21, 2005, testimony to the House Science Committee.¹⁰⁵ His September 21, 2005, talking points read: "Those who would link Hurricane Katrina to global warming just don't understand the science. ... There is always natural variability in our planet's climate and we are in a period of heightened hurricane activity, similar to the period experienced during the 1940s through the 1960s."¹⁰⁶ The talking points also included the statement: "These natural cycles are far greater than any human influences that may be related to hurricanes."¹⁰⁷ The talking points for General David Johnson, Director of the National Weather Service, stated: "the increased hurricane activity can be explained completely by natural cycles of hurricane activity driven by the Atlantic Ocean along with the atmosphere above it."¹⁰⁸

3. The Administration's Censorship of Climate Scientists was Widespread

Political interference with the work of government climate change scientists has not been confined to NOAA and NASA. At the January 30, 2007, Oversight Committee hearing, Dr. Francesca Grifo of the Union of Concerned Scientists (UCS) released a new survey that revealed that 150 federal climate scientists from eight federal agencies personally experienced at least one incident of political interference during the past five years.¹⁰⁹ UCS received reports of at least 435 specific incidents of political interference with the work of government climate scientists.¹¹⁰

¹⁰³ E-mail from Noel Turner to John Sokich (Sep. 6, 2005; 3:26 p.m.).

¹⁰⁴ Senate Committee on Commerce, Science and Transportation, Subcommittee on Disaster Prevention and Prediction, *Testimony of Max Mayfield* (Sep. 20, 2005).

¹⁰⁵ House Committee on Science, *Testimony of Max Mayfield* (Sep. 21, 2005).

¹⁰⁶ E-mail from Noel Turner to John Sokich (Sep. 21, 2005; 8:57 a.m.).

¹⁰⁷ *Id.*

¹⁰⁸ E-mail from Jennifer Sprague to Scott Carter, *et al.* (Oct. 6, 2005).

¹⁰⁹ House Committee on Oversight and Government Reform, *Hearing on Allegations of Political Interference with Science: Global Warming*, 110th Cong. (Jan. 30, 2007). See also, Union of Concerned Scientists and the Governmental Accountability Project, *Atmosphere of Pressure: Political Interference in Federal Climate Science* (Feb. 2007).

¹¹⁰ *Id.*

Much of this political interference compromised the ability of climate scientists to accurately convey their scientific findings to the public. UCS found that 46% of the scientists who responded to the survey “perceived or personally experienced pressure to eliminate the words ‘climate change,’ ‘global warming,’ or other similar terms from a variety of communications.”¹¹¹ 37% of the scientists “perceived or personally experienced statements by officials at their agencies that misrepresented scientists’ findings.”¹¹² Moreover, 38% of the scientists “perceived or personally experienced the disappearance or unusual delay of websites, reports, or other science-based materials related to climate.”¹¹³

B. The White House Extensively Edited Climate Change Reports

The White House systematically minimized the significance of climate change by editing government climate change reports. Documents obtained by the Committee show that CEQ Chief of Staff Philip Cooney and other CEQ officials made at least 181 edits to the Administration’s *Strategic Plan of the Climate Change Science Program* to exaggerate or emphasize scientific uncertainties. They also made at least 113 additional edits to the plan to deemphasize or diminish the importance of the human role in global warming. Other Administration documents that were heavily edited by the White House include EPA’s *Report on the Environment*, the annual report to Congress entitled *Our Changing Planet*, and EPA’s *Latest Findings on National Air Quality: 2002 Status and Trends*.

Mr. Cooney was a lawyer who worked for more than 15 years at the American Petroleum Institute (API), the primary trade association of the oil industry, before joining CEQ in 2001. His last position at API was as team leader of the climate team where it was his job to ensure that any governmental actions taken relating to climate change were consistent with the goals of the petroleum industry.¹¹⁴ According to an internal API document prepared in 1999, “Climate is at the center of industry’s business interests. Policies limiting carbon emissions reduce petroleum product use. That is why it is API’s highest priority issue and defined as ‘strategic.’”¹¹⁵ A 1998 API document entitled “Global Climate Science Communications Action Plan” stated:

Victory will be achieved when … average citizens “understand” uncertainties in climate science; … recognition of uncertainties becomes part of the “conventional wisdom”; … [and] media coverage reflects balance on climate science and recognition of the validity of viewpoints that challenge the current “conventional wisdom.”¹¹⁶

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ House Oversight and Government Reform Committee, Deposition of Phillip Cooney, 19 (Mar. 12, 2007).

¹¹⁵ American Petroleum Institute, *Strategic Issue: Climate Change* (undated).

¹¹⁶ American Petroleum Institute, *Global Climate Science Communications Action Plan* (Apr. 3, 1998).

White House edits to climate change documents mirror API's stated strategy on this issue.

1. The White House Edited the Strategic Plan of the Climate Change Science Program

In July 2003, the Administration released a document entitled *Strategic Plan for the Climate Change Science Program* to guide research into the effects of climate change. The U.S. Climate Change Science Program was established in February 2002 to integrate the climate change research conducted by a number of federal agencies. The National Research Council has noted the important role of the *Strategic Plan* in the effort to address global climate change:

The issues addressed by the U.S. Climate Change Science Program (CCSP) are among the most crucial of those facing humankind in the twenty-first century. ... [S]etting new strategic directions for the CCSP is particularly important. This new program must complement the research of the last decade, which focused on building an understanding of the Earth system, with research to explicitly support decision making. To do so, it will be necessary to continue research into the physical, chemical, and biological aspects of climate and associated global changes, and to add research that will enable decision makers to understand the potential impacts ahead and make choices among possible response strategies.¹¹⁷

The Committee obtained numerous drafts of the *Strategic Plan*. These drafts were extensively edited by CEQ, primarily by Mr. Cooney. The edits had the effect of exaggerating or emphasizing scientific uncertainties and deemphasizing the human role in global warming. The edits also inserted references to the possible benefits of climate change, removed language suggesting action to combat global warming, and deleted references to the *National Assessment of the Potential Consequences of Climate Variability and Change*, a comprehensive climate change analysis widely respected in the scientific community.

In four rounds of CEQ edits to the *Strategic Plan*, Mr. Cooney and Brian Hannegan, CEQ's Associate Director for Energy & Transportation, made at least 181 edits that had the effect of exaggerating or emphasizing scientific uncertainties related to global warming.¹¹⁸ Dozens of these edits were reflected in the final version of the *Strategic Plan*. For example:

- The October 21, 2002, draft read: "Warming temperatures will also affect Arctic land areas."¹¹⁹ Mr. Cooney replaced the certainty of "will" with the

¹¹⁷ National Research Council, *Implementing Climate and Global Change Research: A Review of the Final U.S. Climate Change Science Program Strategic Plan* (2004).

¹¹⁸ These drafts are dated October 28, 2002, May 30, 2003, June 2, 2003, and June 16, 2003.

¹¹⁹ Draft of *Strategic Plan for the Climate Change Science Program* at 20 (Oct. 21, 2002).

uncertainty of “may.” With his edit, the sentence read: “Warming temperatures may also affect Arctic land areas.”¹²⁰

- The May 28, 2003, draft read: “[R]ecent warming has been linked to longer growing seasons … grass species decline, changes in aquatic diversity, and coral bleaching.”¹²¹ Mr. Cooney inserted the words “indicated as potentially,” so that the sentence read: “[R]ecent warming has been indicated as potentially linked to growing seasons … grass species decline, changes in aquatic diversity, and coral bleaching.”¹²² This edit introduces a sense of uncertainty that is not present in the original draft prepared by government scientists.
- The June 5, 2003, draft read: “Climate modeling capabilities have improved dramatically in recent years and can be expected to continue to do so. As a result, scientists are now able to model Earth system processes and the coupling of those processes on a regional and global scale with increasing precision and reliability.”¹²³ CEQ eliminated these sentences from the draft.¹²⁴

In the four rounds of CEQ edits to the *Strategic Plan*, Mr. Cooney and Mr. Hannegan made at least 113 additional edits that deemphasized or diminished the importance of the human role in global warming. Dozens of these changes were reflected in the final version of the *Strategic Plan*. For example:

- The October 21, 2002, draft read: “Moreover, model simulations that incorporate a full suite of natural and anthropogenic forcings have demonstrated that the observed changes over the past century are consistent with a significant contribution from human activity.”¹²⁵ Mr. Cooney replaced “demonstrated” with “indicated” and inserted a “likely.” These edits had the effect of minimizing the human contribution to global warming. The resulting sentence read: “Moreover, model simulations that incorporate a full suite of natural and anthropogenic forcings have indicated that the observed changes over the past century are likely consistent with a significant contribution from human activity.”¹²⁶
- The June 2, 2003, draft defined “mitigation” to mean “an intervention to reduce the causes or effects of human-induced change in climate.”¹²⁷ CEQ’s edits eliminated the phrase “human-induced” from this definition.¹²⁸

¹²⁰ *Id.*

¹²¹ Draft of *Strategic Plan for the Climate Change Science Program*, 8-5 (May 28, 2003).

¹²² *Id.*

¹²³ Draft of *Strategic Plan for the Climate Change Science Program*, 294 (June 5, 2003).

¹²⁴ *Id.*

¹²⁵ Draft of *Strategic Plan for the Climate Change Science Program*, 63 (Oct. 21, 2002).

¹²⁶ *Id.*

¹²⁷ Draft of *Strategic Plan for the Climate Change Science Program*, 3 (June 2, 2003).

¹²⁸ *Id.*

CEQ also inserted language suggesting possible benefits of climate change. For example, the June 2, 2003, draft read: “Identify ecological systems susceptible to abrupt environmental changes with potentially severe impacts on goods and services.”¹²⁹ CEQ replaced “severe” with “significant (positive or negative).” As a result, the draft stated: “Identify ecological systems susceptible to abrupt environmental changes with potentially significant (positive or negative) impacts on goods and services.”¹³⁰ This revision diluted the concerns raised by the original statement regarding the economic effects of global warming.

In addition, CEQ removed language evoking the need for action to combat global warming. For instance, the June 16, 2003, edits removed five references to “decision-relevant” or “policy-relevant” information.¹³¹ In a document listing all of the edits that CEQ made on that date, CEQ commented: “payoff is improved understanding, not enabling of actions.”¹³²

Finally, CEQ removed nine references to the *National Assessment of the Potential Consequences of Climate Change* from various drafts of the *Strategic Plan*. At the January 2007 climate change hearing, Rick Piltz, formerly a Senior Associate at the Climate Change Science Program, testified that the *National Assessment*, which was released in 2000, is “the most comprehensive and authoritative scientifically based assessment of the potential consequences of climate change for the United States.”¹³³ According to the National Academy of Sciences, the *National Assessment* represents “the current standard for comprehensive regional and sectoral analyses of the potential impacts of climate change for the United States.”¹³⁴

In his Committee deposition, Mr. Cooney was asked about the deletions of the references to the *National Assessment*. He testified that he thought that a legal settlement agreement between the Bush Administration and the Competitive Enterprise Institute, which receives funding from the oil industry, prohibited the Administration from mentioning the *National Assessment* in the *Strategic Plan*.¹³⁵ However, he also testified that he did not speak with the Department of Justice about the meaning of the settlement agreement and did not “really know what it absolutely requires and absolutely doesn’t.”¹³⁶ Moreover, Stanley Sokul of the White House Office of Science and Technology Policy (OSTP) informed Mr. Cooney on March 20, 2003, that “[t]he lawsuit was withdrawn without a consent order or any other agreement.”¹³⁷

¹²⁹ Draft of *Strategic Plan for the Climate Change Science Program*, 168 (June 2, 2003).

¹³⁰ *Id.*

¹³¹ Draft of *Strategic Plan for the Climate Change Science Program* (June 2, 2003 and June 5, 2003).

¹³² *Id.*

¹³³ House Committee on Oversight and Government Reform, *Hearings on Political Interference with Science: Global Warming*, 110th Cong. (Jan. 30, 2007).

¹³⁴ National Research Council, *Analysis of Global Change Assessments: Lessons Learned* (Feb. 2007).

¹³⁵ House Committee on Oversight and Government Reform, *Deposition of Philip Cooney*, 97 (Mar. 12, 2007).

¹³⁶ *Id.* at 103, 101.

¹³⁷ E-mail from Stanley Sokul to Philip Cooney (Mar. 20, 2003).

When Rick Piltz testified before the Committee in January 2007 about the White House edits to the *Strategic Plan*, he explained: “Taken in the aggregate, the changes had the cumulative effect of shifting the tone and content of an already quite cautiously-worded draft to create an enhanced sense of scientific uncertainty about climate change and its implications.”¹³⁸

In his deposition, Mr. Cooney stated that CEQ’s edits were merely recommended changes that could be accepted or rejected by Dr. James Mahoney, the Director of the Climate Change Science Program. According to the CEQ documents, however, Mr. Cooney signed a “concurrence sheet” before the release of the final document. This concurrence sheet stated that Mr. Cooney “approved” the *Strategic Plan*.¹³⁹ He also sent an e-mail to Dr. Mahoney on July 2, 2003, which indicated his expectation that CEQ’s edits would be reflected in the final draft. Mr. Cooney wrote: “Is there any means of your assuring me that CEQ’s comments were accepted in this final draft. … [M]y alternative is to re-read the 330+ pages.”¹⁴⁰

During his March 2007 testimony at a Committee hearing, Mr. Cooney argued that his edits to the *Strategic Plan* and other climate change reports were guided by the June 2001 National Academy of Sciences (NAS) report on the state of climate science. For example, he stated:

I had the authority and responsibility to make recommendations on the documents in question, under an established interagency review process. I did so using my best judgment based on the Administration’s stated research priorities, as informed by the National Academy of Sciences.¹⁴¹

He also testified: “my comments of a scientific nature were really derivative. … they relied on the major findings of the National Academy of Sciences according to the report that it released for the President in June 2001.”¹⁴²

In his testimony before the Committee, Chairman James Connaughton also claimed that CEQ’s edits were based upon the report of the National Academy of Sciences. He stated:

When you look at the actual comments being proposed by the various offices, not just CEQ’s, most of them echoed nearly verbatim or appropriately reflected the substance of the 2001 National Academies of Science report on climate science.¹⁴³

¹³⁸ House Committee on Oversight and Government Reform, *Hearing on Allegations of Political Interference with Science: Global Warming* (Jan. 30, 2007).

¹³⁹ House Committee on Oversight and Government Reform, *Deposition of Philip Cooney*, 57, 61, 73, 74, 82, 132, 146 151-152, 156-157 (Mar. 12, 2007); *Concurrence Sheet* (Bates # 1484).

¹⁴⁰ E-mail from Philip Cooney to James Mahoney (July 2, 2003).

¹⁴¹ House Committee on Oversight and Government Reform, *Hearing on Allegations of Political Interference with Science: Global Warming, Part II* (Mar. 19, 2007).

¹⁴² *Id.*

¹⁴³ *Id.*

However, the documents obtained by the Committee show that Mr. Cooney’s practice was to cherry-pick references to scientific uncertainty in the NAS report while simultaneously deleting or watering down direct quotes from the report on the basic science of global warming.¹⁴⁴

2. The White House Edited EPA’s Report on the Environment

In 2002 and 2003, EPA prepared a document entitled *Report on the Environment* that was supposed to be EPA’s “first-ever national picture of the U.S. environment.”¹⁴⁵ The goal of the report was to describe “what EPA knows — and doesn’t know — about the current state of the environment at the national level, and how the environment is changing.”¹⁴⁶ EPA released this report in draft form in June 2003 for public comment.

The White House had begun to edit the draft report by early 2003. On January 27, 2003, Paul Anastas of the Office of Science and Technology (OSTP) sent OSTP’s comments to Alan Hecht, an EPA employee detailed to work at CEQ. Mr. Anastas noted that OSTP’s comments were “especially strong on the climate change section.”¹⁴⁷ OSTP wrote:

This section should be thoroughly reviewed for content and the usefulness of that content. The section “What are the contributions to climate change[”] is not balanced an[d] virtually ignores any mention of natural variability. … If this cannot be balanced, it needs to be removed.¹⁴⁸

The next day, Mr. Hecht wrote to CEQ Chairman James Connaughton and Mr. Cooney: “There are a few issues that should receive attention at the policy level … including: chapter on climate change — in or out.”¹⁴⁹

About a month later, on March 4, 2003, Robert Fairweather of OMB e-mailed Mr. Cooney with additional concerns about the draft *Report on the Environment*. He wrote:

Phil, I don’t know whether you have reviewed the Climate Section of the EPA report, but I think you and Jim need to focus on it before this goes final. Even though the information is generally not new, I suspect this will generate negative press coverage.¹⁵⁰

Two days later, Mr. Hecht noted that OMB had “also marked up the climate section” of the report.¹⁵¹ On March 13, Mr. Hecht informed EPA: “You will also have a lo[n]g list of suggested edits from ceq with substantive changes on the climate section.”¹⁵²

¹⁴⁴ Examples of this practice are discussed in Part III.B.2 at text accompanying footnotes 154 - 155.

¹⁴⁵ Environmental Protection Agency, *Draft Report on the Environment* (June 2003).

¹⁴⁶ *Id.*

¹⁴⁷ E-mail from Paul Anastas to Alan Hecht (Jan. 27, 2003).

¹⁴⁸ *Id.*

¹⁴⁹ E-mail from Alan Hecht to James Connaughton and Philip Cooney (Jan. 28, 2003).

¹⁵⁰ E-mail from Robert Fairweather to Philip Cooney (Mar. 4, 2003).

¹⁵¹ E-mail from Alan Hecht to Theodore Heintz, Kameran Onley, and Philip Cooney (Mar. 6, 2003).

¹⁵² E-mail from Alan Hecht to Mike Flynn (Mar. 13, 2003).

In April 2003, Mr. Hecht reported to Mr. Cooney: “I sense some grumbling from EPA on the climate section, but we’ll see if they push back.”¹⁵³ Mr. Hecht also discussed the dynamics between CEQ and EPA. On April 7, he wrote:

Global air and climate change is a separate chapter. Phil and Rob worked this over and I returned it to EPA for their review. EPA will visit with me on Friday to argue any further changes.¹⁵⁴

CEQ provided the Committee with copies of Mr. Cooney’s handwritten edits to a draft of the EPA report.¹⁵⁵ In these edits, Mr. Cooney deleted uncontroversial statements about the knowledge of climate change. For example, he deleted the statement, “Climate change has global consequences for human health and the environment.” Additionally, he deleted the following sentence that quoted from the National Academy of Sciences:

The NRC [National Research Council] concluded that “Greenhouse gases are accumulating in the atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise.”

Mr. Cooney replaced this sentence with a sentence that leaves uncertain the significance of human activities:

Some activities emit greenhouse gases and other substances that directly or indirectly may affect the balance of incoming and outgoing radiation, thereby potentially affecting climate on regional and global scales.¹⁵⁶

Mr. Cooney also deleted any reference to average surface temperature reconstructions, which indicate that temperatures have been rising over the past 1,000 years. Moreover, he added a reference to a study funded by the American Petroleum Institute that disputes the judgment of the National Academy of Sciences and the Intergovernmental Panel on Climate Change.¹⁵⁷

In fact, on April 21, 2003, Mr. Cooney sent a memo about this industry-funded paper to Kevin O’Donovan in the Office of the Vice President.¹⁵⁸ In the memo, Mr. Cooney explained his motivation for inserting a reference to the paper into the EPA report:

The recent paper of Soon-Baliunas contradicts a dogmatic view held by many in the climate science community that the past century was the warmest in the past millennium and signals human induced “global warming.” … We plan to begin to

¹⁵³ E-mail from Alan Hecht to Philip Cooney (Apr. 4, 2003).

¹⁵⁴ E-mail from Alan Hecht to Elizabeth Stolpe (Apr. 7, 2003).

¹⁵⁵ Environmental Protection Agency, *Draft Report on the Environment*, Global Issues Section (Apr. 11, 2003).

¹⁵⁶ *Id.*

¹⁵⁷ *Id.* The authors of this report are Willie Soon and Sallie Baliunas, and the report is sometimes identified by referencing the authors.

¹⁵⁸ E-mail from Philip Cooney to Kevin O’Donovan (Apr. 21, 2003).

refer to this study in Administration communications on the science of global climate change; in fact, CEQ just inserted a reference to it in the final draft chapter on global climate change contained in EPA's first "State of the Environment" report. ... With both the National Academy and IPCC (Intergovernmental Panel on Climate Change) holding that the 20th Century is the warmest of the past thousand years (see below), this recent study begins to provide a counterbalance on the point to those two authorities. It represents an opening to potentially invigorate debate on the actual climate history of the past 1000 years and whether that history reinforces or detracts from our level of confidence regarding the potential human influence on global climate change.¹⁵⁹

At the Committee's January 30, 2007, hearing, Dr. Drew Shindell, a climate scientist at NASA's Goddard Institute for Space Studies, explained:

Soon and Baliunas are both astronomers. They are not climate scientists, but that is okay, as long as their work stands up. Basically, what that paper was, there is no original research. It is instead a survey of other climate scientists' work where they basically took all of the uncertainties and caveats, things that were not included in the studies, compiled them and said that then, given that there were so many uncertainties and things that were not fully understood, we could not say much of anything about climate change. However, that is in complete contrast to the views of nearly every expert in climate science. So I think that that is not at all representative, and I would not say that one alternative paper undermines the thousands of papers that go into a document like the IPCC report.¹⁶⁰

The White House instructed EPA to retain the White House edits. CEQ produced to the Committee a copy of a cover sheet that accompanied a set of Mr. Cooney's edits to the draft EPA report. On this cover sheet, Mr. Cooney wrote, "These changes must be made."¹⁶¹ In a separate e-mail to Mr. Hecht, Mr. Cooney instructed: "These changes must be made, as we have discussed."¹⁶² During his deposition, Mr. Cooney confirmed that he wrote this comment and acknowledged that "the language is mandatory."¹⁶³ He further testified: "If they want to publish, they need to respond, to engage in our comments. And so it was my way of getting Alan Hecht something to go back to the Agency with and say, you have got to engage their comments."¹⁶⁴

Moreover, on April 24, 2003, Claudia Abendroth of OMB informed EPA: "please note that the comments reflect careful EOP review and clearance, and that no further changes may be made."¹⁶⁵ On May 7, 2003, Mr. Hecht reported to Mr. Connaughton and Mr.

¹⁵⁹ Memorandum from Philip Cooney to Kevin O'Donovan (Apr. 21, 2003).

¹⁶⁰ House Committee on Oversight and Government Reform, *Hearing on Allegations of Political Interference with Science: Global Warming*, 110th Cong. (Jan. 30, 2007).

¹⁶¹ Cover Sheet (undated) (WH 6, EPA Draft Report on the Environment).

¹⁶² E-mail from Philip Cooney to Alan Hecht (Apr. 16, 2003).

¹⁶³ House Committee on Oversight and Government Reform, *Deposition of Philip Cooney*, 159-160 (Mar. 12, 2007).

¹⁶⁴ *Id.* at 160.

¹⁶⁵ E-mail from Claudia Abendroth to Mike Flynn (Apr. 24, 2003).

Cooney: “EPA was meeting last night to review climate section and determine if they can live with CEQ-OMB changes.”¹⁶⁶ Six days later, Mr. Hecht announced: “EPA will yank the climate change section.”¹⁶⁷ Mr. Cooney forwarded Mr. Hecht’s e-mail to a number of CEQ officials and advised: “Please do not discuss by e-mail.”¹⁶⁸

The Committee was also provided a copy of a June 2003 EPA memo, in which EPA staff described three options for responding to CEQ’s extensive edits to the *Report on the Environment* from which the EPA Administrator could choose. Option 1 was for the EPA Administrator to accept the CEQ and OMB edits. While EPA staff noted this was the “easiest” course of action, they also cautioned that “EPA will take responsibility and severe criticism from the science and environmental community for poorly representing the science.”¹⁶⁹ According to the EPA staff, the edited report “undercuts” the National Research Council and the Intergovernmental Panel on Climate Change.¹⁷⁰ EPA staff further warned that the edited report “provides specific text to attack” and creates the “potential to extend the period of criticism.”¹⁷¹

The second option that EPA staff outlined for the EPA Administrator was to remove the climate change section entirely from the *Report on the Environment*. The benefits of this approach, according to EPA staff, were that it would provide “little content for attacks on EPA’s science” and it “may be the only way to meet both WH and EPA needs.”¹⁷² EPA staff expressed concern that “EPA will take criticism for omitting climate change” from the report.¹⁷³

The third option for the EPA Administrator was to refuse to accept the White House’s “no further changes” direction and try to reach compromise.¹⁷⁴ EPA staff seemed to prefer this approach, stating that it was the “only approach that could produce a credible climate change section” in the *Report on the Environment*.¹⁷⁵ However, they warned, this course of action could “antagonize the White House” and “it is likely not feasible to negotiate agreeable text.”¹⁷⁶

In the end, EPA Administrator Whitman took the second option and deleted the discussion of climate change when the *Report on the Environment* was released in draft form for public comment. During his deposition, Mr. Cooney testified that he believed that CEQ Chairman Connaughton personally spoke with then-EPA Administrator Whitman to resolve the disagreements between CEQ and EPA regarding the edits. At the

¹⁶⁶ E-mail from Alan Hecht to James Connaughton and Philip Cooney (May 7, 2003).

¹⁶⁷ E-mail from Alan Hecht to Claudia Abendroth (May 13, 2003).

¹⁶⁸ E-mail from Philip Cooney to Dana Perino, *et al.* (May 13, 2003).

¹⁶⁹ Environmental Protection Agency, *Summary Issues Surrounding Presentation of Climate Change: EPA’s Draft Report on the Environment* (undated) (WH 22, EPA Draft Report on the Environment).

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

March 19, 2007, hearing, Mr. Connaughton confirmed that this conversation took place. He testified:

When the process was not leading to a reconciliation by the various offices in the White House and from other agencies, I did get on the phone — actually, Governor Whitman called me, EPA Administrator Whitman called me. We were talking about a range of things, but this is one of the issues that we talked about.¹⁷⁷

According to Mr. Cooney, “Governor Whitman made the decision to remove the 5-page summary on climate change science.”¹⁷⁸ In his hearing testimony, Mr. Connaughton confirmed that Administrator Whitman made the decision.¹⁷⁹

EPA never issued a final version of the *Report on the Environment*.

3. The White House Edited *Our Changing Planet*

Mr. Cooney and CEQ also edited *Our Changing Planet*, an annual report to Congress from the Climate Change Science Program. The *Our Changing Planet* reports are the Administration’s primary communication to Congress about the status of the U.S. Climate Change Science Program. These documents provide the basis for congressional oversight and budget planning.

The Committee obtained a November 4, 2002, memorandum from Dr. Mahoney and Dr. Richard Moss of the Climate Change Science Program to Mr. Cooney. The subject line of this memorandum reads: “Response to CEQ Review Comments on FY 2003 ‘Our Changing Planet.’”¹⁸⁰ In the memorandum, Dr. Mahoney and Dr. Ross explained:

We have accepted and included in the final text about 80 percent of the approximately 110 revisions proposed by CEQ to “Our Changing Planet.” ... These revisions have been incorporated verbatim except for a few minor instances of editing for syntax and stylistic consistency. However, we have concerns about some of the proposed revisions.¹⁸¹

The memorandum then discussed a number of problematic edits. For example, the initial draft read: “Reducing the scientific uncertainty in global climate models could ... provide information essential to projecting the impacts of climate change on ecosystems.”¹⁸² Mr. Cooney changed the statement to: “Reducing the scientific uncertainty in global climate models could ... in the long run provide information on the

¹⁷⁷ House Committee on Oversight and Government Reform, *Hearing on Allegations of Political Interference with Science: Global Warming, Part II*, 110th Cong. (Mar. 19, 2007).

¹⁷⁸ House Committee on Oversight and Government Reform, *Deposition of Philip Cooney*, 140 (Mar. 12, 2007).

¹⁷⁹ House Committee on Oversight and Government Reform, *Hearing on Allegations of Political Interference with Science: Global Warming, Part II*, 110th Cong. (Mar. 19, 2007).

¹⁸⁰ Memorandum from Jim Mahoney and Richard Moss, Climate Change Science Program, to Philip Cooney, Council on Environmental Quality (Nov. 4, 2002) (Bates # 799).

¹⁸¹ *Id.*

¹⁸² *Id.*

potential impacts of climate change on ecosystems.”¹⁸³ This edit made climate models seem less useful than they are and climate change less certain than it is. It also implied that global climate models would not provide useful information for a long period of time. Dr. Mahoney and Dr. Ross responded to this edit by stating: “Not just ‘in the long run.’ Research is already providing meaningful information on potential impacts of climate change on ecosystems.”¹⁸⁴ The phrase “in the long run” appeared in the final text of the report.

In another case, Mr. Cooney proposed deleting a paragraph about specific areas of science that needed further study. Dr. Mahoney and Dr. Ross pointed out that the paragraph at issue “tracks closely” the National Research Council’s report.¹⁸⁵ They also wrote: “The proposed deletion would produce a less accurate and less balanced summary of the key research issues as identified by the NRC.”¹⁸⁶ Yet the paragraph at issue does not appear in the final version of *Our Changing Planet*. In several other cases, Mr. Cooney wrote “no” in the margin next to the alternative wording provided by Dr. Mahoney and Dr. Ross.

On October 18, 2005, Ahsha Tribble, the Technical Chief of Staff of the Office of Assistant Secretary of Commerce for Oceans and Atmosphere, e-mailed Bryan Hannegan at CEQ about the fiscal year 2006 edition of *Our Changing Planet*. The e-mail shows how tightly CEQ controlled edits to the report. The subject line of the e-mail read: “OCP — removing one sentence — OKAY?”¹⁸⁷ Ms. Tribble wrote:

[I]t has been suggested by our policy shop that we remove the first sentence in the “Projected changes in hurricane intensity and rainfall” section. The sentence to be removed reads, “Recent research indicates that greenhouse warming may lead to increases in hurricane intensity and rainfall in future decades.” Do you concur?¹⁸⁸

Mr. Hannegan responded: “Yes, I concur.”¹⁸⁹

4. The White House Eliminated the Climate Change Section of EPA’s Air Trends Report

Mr. Cooney and CEQ also reviewed EPA’s *Latest Findings on National Air Quality: 2002 Status and Trends*. Issued in August 2003, the report was supposed to be “a summary report highlighting our nation’s air quality status and trends.”¹⁹⁰ EPA had previously included a discussion of climate change in this annual report. EPA’s *Latest*

¹⁸³ *Id.* (underlining added).

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ E-mail from Ahsha Tribble to Bryan Hannegan (Oct. 18, 2005).

¹⁸⁸ *Id.*

¹⁸⁹ E-mail from Bryan Hannegan to Ahsha Tribble (Oct. 18, 2005).

¹⁹⁰ U.S. Environmental Protection Agency, *Latest Findings on National Air Quality: 2002 Status and Trends* (Aug. 2003).

Findings on National Air Quality: 2000 Status and Trends contained a section entitled “Global Warming & Climate Change.”¹⁹¹

With respect to this report, CEQ went beyond editing and simply vetoed the entire climate change section. On August 19, 2002, EPA sent the draft report to Mr. Cooney.¹⁹² In response, he sent EPA two quotes from the National Academy of Sciences report that discussed scientific uncertainties.¹⁹³ Mr. Cooney then informed two other CEQ officials: “I will advise EPA to use new quotes below and changes in attached text. I will also ask why climate change is mentioned at all in this report on air quality trends, whether it is required by law to be covered.”¹⁹⁴

The next day, Mr. Cooney reported:

EPA will not include in this year’s report on air quality trends a section on greenhouse gas emissions, agreeing that this topic has already been covered extensively in other USG reports. . . . EPA also agreed that including a discussion on greenhouse gas emissions in a report focused on criteria air pollutants under the Clean Air Act — and their related health impacts — could be inappropriate and confusing.¹⁹⁵

Mr. Cooney added: “EPA (Jackie Krieger) will put together some ‘IF ASKED’ talking points to respond to any criticism for deleting any discussion of greenhouse gases from this report.”¹⁹⁶

C. Other Findings

CEQ documents demonstrate that the White House was heavily involved in editing EPA’s legal opinion that the agency did not have authority to regulate carbon dioxide and other greenhouse gases under the Clean Air Act. Internal Administration documents also show that the White House edited an op-ed by former EPA Administrator Christine Todd Whitman to insert an unsupported claim regarding the economic impact of the Kyoto Protocol.

1. The White House was Involved in Editing EPA’s Legal Opinions

On April 10, 1998, EPA General Counsel Jonathan Z. Cannon issued a legal opinion regarding “EPA’s Authority to Regulate Pollutants Emitted by Electric Power Generation

¹⁹¹ U.S. Environmental Protection Agency, *Latest Findings on National Air Quality: 2000 Status and Trends* (Sept. 2001).

¹⁹² E-mail from Jackie Krieger to Philip Cooney (Aug. 19, 2002; 12:58 p.m.).

¹⁹³ E-mail from Philip Cooney to Jackie Krieger (Aug. 19, 2002; 3:54 p.m.).

¹⁹⁴ E-mail from Philip Cooney to Kenneth Peel and Kameran Bailey (Aug. 19, 2002; 4:37 p.m.).

¹⁹⁵ E-mail from Philip Cooney to Kathie Olsen, *et al.* (Aug. 20, 2002).

¹⁹⁶ *Id.*

Sources.”¹⁹⁷ Mr. Cannon concluded that carbon dioxide and other greenhouse gases were “air pollutants” under the Clean Air Act and therefore subject to regulation by EPA. A year and a half later, a number of environmental organizations petitioned EPA to regulate emissions of certain greenhouse gases from new motor vehicles under the Clean Air Act.¹⁹⁸ On August 28, 2003, EPA denied this petition on the grounds that (1) EPA did not have authority to regulate carbon dioxide and other greenhouse gases under the Clean Air Act and (2) EPA determined that setting greenhouse gas emissions standards for motor vehicles was not appropriate at that time.¹⁹⁹ The same day, Robert E. Fabricant, EPA’s then General Counsel, issued a new legal opinion overturning the Cannon memo and concluding that EPA did not have authority to regulate carbon dioxide and other greenhouse gases under the Clean Air Act because they are not “air pollutants.”²⁰⁰ EPA’s action was subsequently challenged by states and environmental groups.

On April 2, 2007, the U.S. Supreme Court issued its landmark ruling in the case of Massachusetts v. EPA. The Court rejected the arguments put forth in the Fabricant memo and ruled that EPA has authority under the Clean Air Act to regulate greenhouse gas emissions from motor vehicles.

Documents obtained from CEQ reveal that CEQ Chairman James Connaughton was heavily involved in the decision that EPA would deny the petition to regulate greenhouse gas emissions from motor vehicles and personally edited the draft legal opinion of EPA’s General Counsel. The documents also show that CEQ ignored climate science when it edited these EPA decision documents, despite claims of CEQ officials that the National Academy of Sciences report on climate change was CEQ’s touchstone.

On April 17, 2003, Bill Wehrum, a senior political appointee in EPA’s Office of Air and Radiation who later became Acting Assistant Administrator, sent a fax to Mr. Connaughton. The cover sheet read: “Jim — As discussed earlier this week, attached is a one-pager that summarizes possible grounds for denying the petition to regulate GHG emissions from motor vehicles.”²⁰¹ The attached one-pager presents four possible grounds for denying the petition: (1) “EPA is not authorized to regulate CO₂ emissions from motor vehicles because CO₂ is not an ‘air pollutant’ under the Clean Air Act (CAA)”; (2) “EPA is not authorized to regulate CO₂ emissions from motor vehicles because the CAA limits EPA’s authority with regard to CO₂ to research and other non-regulatory activities”; (3) “It is not appropriate for EPA to regulate CO₂ emissions from motor vehicles because the science related to climate change and the role of CO₂ in climate change is not sufficiently conclusive”; and (4) “It is not appropriate for EPA to regulate CO₂ emissions from motor vehicles because the only plausible action EPA could take would be to require improved fuel efficiency from motor vehicles. EPA cannot take

¹⁹⁷ U.S. Environmental Protection Agency, Memorandum from Jonathon Z. Cannon, General Counsel, to Carole M. Browner, Administrator (Apr. 10, 1998).

¹⁹⁸ International Center for Technology Assessment Petition (Oct. 20, 1999).

¹⁹⁹ U.S. Environmental Protection Agency, Response to the Petition (Aug. 28, 2003).

²⁰⁰ U.S. Environmental Protection Agency, Memorandum from Robert E. Fabricant, General Counsel, to Marianne L. Horinko, Acting Administrator (Aug. 28, 2003).

²⁰¹ Fax from Bill Wehrum to Jim Connaughton (Apr. 17, 2003).

such action because Congress granted DOT exclusive authority to regulate motor vehicle fuel efficiency.”²⁰²

On April 21, 2003, the Justice Department faxed Mr. Connaughton a memorandum regarding “CO₂ Issues.”²⁰³ The memorandum was specifically prepared for Mr. Connaughton by Thomas Sansonetti, Assistant Attorney General for Environment and Natural Resources, and his deputy, Jeffrey Bossert Clark. The memorandum begins: “EPA and the Department of Justice have recommended, for reasons of law, science, policy, and litigation strategy that EPA should administratively deny the pending petition to regulate CO₂ emissions from motor vehicles.”²⁰⁴ The Sansonetti memorandum then presents Mr. Connaughton with four options for resolving the petition to regulate CO₂ and the pending court cases regarding such regulations.

In addition, CEQ Chairman James Connaughton personally edited the draft legal opinion of EPA’s general counsel and the draft denial of the petition to regulate CO₂. On May 19, 2003, Lisa Jaeger of EPA’s Office of the General Counsel faxed Mr. Connaughton a draft of the Fabricant memo.²⁰⁵ Mr. Connaughton appears to have made handwritten edits to this document. Then, on June 20, 2003, Ken Peel of CEQ sent Mr. Connaughton the latest version of the “Notice of denial of petition for rulemaking.”²⁰⁶ Mr. Peel’s handwritten note on the document read: “Jim, This is the latest draft of the petition denial. I suggest we send in the indicated edits. Do you have more to add? Or change? — Ken P.”²⁰⁷ That day, Mr. Peel also sent Mr. Connaughton the latest draft of the Fabricant memo. Mr. Peel wrote on the draft: “Jim — This is EPA’s latest draft of the ‘Fabricant Memo.’ I have added back in your original edits that they did not take, plus my own proposed edits. Please review and add any further edits you think are needed. — Ken P. P.S. Attached are your original edits.”²⁰⁸

Other documents confirm that CEQ made further edits to the EPA documents and that these edits were mandatory. On July 3, 2003, Ken Peel e-mailed a number of White House officials, including Mr. Connaughton, and EPA officials, including Jeff Holmstead, Assistant Administrator for the Office of Air and Radiation.²⁰⁹ The e-mail forwarded the latest draft of the Fabricant memo and stated: “I assume that the task of careful editing of the underlying text still lies before us. … I remember several past proposed fixes.”²¹⁰ On August 26, 2003, Mr. Peel e-mailed Lisa Jaeger in EPA’s General Counsel’s office about the latest version of the legal opinion.²¹¹ He stated: “it fails to contain a number of the edits agreed to on Friday. I will send the group the correct edited

²⁰² *Id.*

²⁰³ Memorandum from Thomas L. Sansonetti and Jeffrey Bossert Clark to James Connaughton (Apr. 21, 2003).

²⁰⁴ *Id.*

²⁰⁵ Fax from Lisa Jaeger to Jim Connaughton (May 19, 2003).

²⁰⁶ Draft of *Notice of denial of petition for rulemaking* (June 20, 2003).

²⁰⁷ *Id.*

²⁰⁸ Draft of *Fabricant Memorandum* (June 20, 2003).

²⁰⁹ E-mail from Kenneth Peel to Jennifer Gibbs, *et al.* (July 3, 2003).

²¹⁰ *Id.*

²¹¹ E-mail from Kenneth Peel to Lisa Jaeger (Aug. 26, 2003; 8:19 a.m.).

version shortly.”²¹² In a subsequent e-mail, Mr. Peel told the Justice Department: “I’m fine with whatever the right legal argument happens to be, as long as it doesn’t seem to be arguing against our main argument.”²¹³

The documents also indicate that the White House viewed climate change science as an obstacle rather than a guiding principle. Mr. Peel’s June 20, 2003, edits to the draft denial of the petition to regulate CO₂ include two separate instructions to “revise all science text in collaboration with DOJ.”²¹⁴ Much of the “science text” to be revised was direct quotes from the National Academy of Science’s report on climate change. Moreover, his June 20, 2003, edits to the Fabricant memo had the effect of exaggerating or emphasizing scientific uncertainties related to global warming. For example, Mr. Peel inserted the word “potential” before a reference to the role of greenhouse gases in climate change.²¹⁵ On several occasions, he inserted the phrase “emissions that might contribute to” before “climate change.”²¹⁶ The repeated use of this phrase suggested that the link between greenhouse gas emissions and climate change was uncertain at a time when the link was clearly established.

What appear to be White House edits to the August 19, 2003, draft of the petition denial follow this pattern. After several direct quotes from the National Academy of Sciences report on the basic science of global warming, a comment was inserted:

I did not read this paragraph as persuasively supporting EPA’s position, especially the first two sentences of the [NAS] report. You might want to quote from the body of the report itself, which is more balanced than the Executive Summary, or just move on quickly to your point that key uncertainties prevent EPA from fashioning an effective regulatory strategy.²¹⁷

The following sentence was in the original text of the draft: “At present, the best scientific information indicates that if atmospheric greenhouse gas concentrations continue to increase, changes are likely to occur.”²¹⁸ A comment was inserted after this sentence: “this strong statement does not support EPA’s position.”²¹⁹

A week later, CEQ and others inserted a comment after the conclusions of the National Academy of Sciences on global warming were included in the draft of the petition denial. In response to National Academy quotes like “the changes observed over the last several decades are likely mostly due to human activities,” the comment read: “the above quotes are unnecessary and extremely harmful to the legal case being made in this document. This is not a survey of the science, but a legal argument.”²²⁰

²¹² *Id.*

²¹³ E-mail from Kenneth Peel to Andrew Emrich (Aug. 26, 2003).

²¹⁴ Draft of *Notice of denial of petition for rulemaking* (June 20, 2003).

²¹⁵ Draft of *Fabricant Memorandum* (June 20, 2003).

²¹⁶ *Id.*

²¹⁷ Draft of *Notice of denial of petition for rulemaking* (Aug. 19, 2003).

²¹⁸ *Id.*

²¹⁹ *Id.*

²²⁰ Draft of *Notice of denial of petition for rulemaking* (Aug. 26, 2003).

An undated CEQ document amplifies this point. The first line of the document listing CEQ edits to the draft denial of the petition to regulate CO₂ states simply: “Vulnerability: science.”²²¹ Later in the document, CEQ notes: “Lead sentence is trouble, as it leans too much on science.”²²² Far from being the touchstone for CEQ edits, CEQ apparently saw the science of global warming as an obstacle standing in the way of its desired result: the refusal to regulate motor vehicle emissions that contribute to global warming.

2. The White House Edited the EPA Administrator’s Op-ed on Climate Change

In 2002, the White House also edited an op-ed written by former EPA Administrator Christine Todd Whitman to ensure that it followed the White House line on climate change.

In July 2002, when there was an ongoing debate about whether the United States should ratify the Kyoto Protocol, EPA Administrator Whitman wrote a piece for *Time Magazine* about the Bush Administration’s record on global warming. Internal e-mails demonstrate that CEQ played an active role in reviewing and editing Administrator Whitman’s op-ed.

On July 15, 2002, Sam Thernstrom of CEQ distributed a revised version of the Administrator’s piece that contained several significant edits. He sent the e-mail to CEQ Chairman James Connaughton, CEQ Chief of Staff Phil Cooney, and other senior White House and Administration officials.²²³ Tom Gibson, an Associate Administrator at EPA, responded to Mr. Thernstrom:

I can’t use the five million out of work figure for Kyoto. It is based on an EIA [Energy Information Agency] report that assumed that no trading would be allowed to implement the KP [Kyoto Protocol]. It also is the high end of the numbers that were expressed as a range.²²⁴

Mr. Thernstrom immediately e-mailed Mr. Cooney and Mr. Connaughton. He wrote: “opinion on this point? It’s a rather key figure.”²²⁵

Five minutes later, Mr. Thernstrom replied to Mr. Gibson:

This figure is taken directly from the president’s 2-14 speech, and Jim Connaughton’s Senate testimony last week. Using merely an abstract dollar figure may not be as compelling.²²⁶

²²¹ CEQ document (Undated) (Bates # 2535).

²²² *Id.*

²²³ E-mail from Samuel Thernstrom to Tom Gibson, *et al.* (July 15, 2002; 9:18 a.m.).

²²⁴ E-mail from Tom Gibson to Samuel Thernstrom (July 15, 2002; 9:32 a.m.).

²²⁵ E-mail from Samuel Thernstrom to Philip Cooney and James Connaughton (July 15, 2002; 9:35 a.m.).

²²⁶ E-mail from Samuel Thernstrom to Tom Gibson, *et al.* (July 15, 2002; 9:40 a.m.).

That afternoon, Mr. Gibson reported that Administrator Whitman made her own edits to the draft op-ed and struck the reference to five million lost jobs.²²⁷ However, Administrator Whitman's change was apparently rejected. Later that day, Mr. Thernstrom sent Mr. Cooney the latest draft of the op-ed.²²⁸ The five million lost jobs figure remained in the draft despite Administrator Whitman's objections. *Time* ran the final op-ed on August 26, 2002. It included an assertion that "Kyoto would put millions of Americans out of work."²²⁹

Over two years later, CEQ was still citing the unsupported figure. On February 9, 2005, William Holbrook of CEQ sent the EIA report to a *Washington Post* reporter, noting "Added all up, we would have been looking at a loss of nearly 5 million American jobs."²³⁰

CONCLUSION

The Committee's 16-month investigation reveals a systematic White House effort to censor climate scientists by controlling their access to the press and editing testimony to Congress. The White House was particularly active in stifling discussions of the link between increased hurricane intensity and global warming. The White House also sought to minimize the significance and certainty of climate change by extensively editing government climate change reports. Other actions taken by the White House involved editing EPA legal opinions and op-eds on climate change.

²²⁷ E-mail from Tom Gibson to Samuel Thernstrom, *et al.* (July 15, 2002; 12:36 p.m.).

²²⁸ E-mail from Samuel Thernstrom to Philip Cooney (July 15, 2002; 3:11 p.m.).

²²⁹ *A Strong Climate Plan*, *Time* (Aug. 26, 2002).

²³⁰ E-mail from William Holbrook to Shankar Vedantam (Feb. 9, 2005).