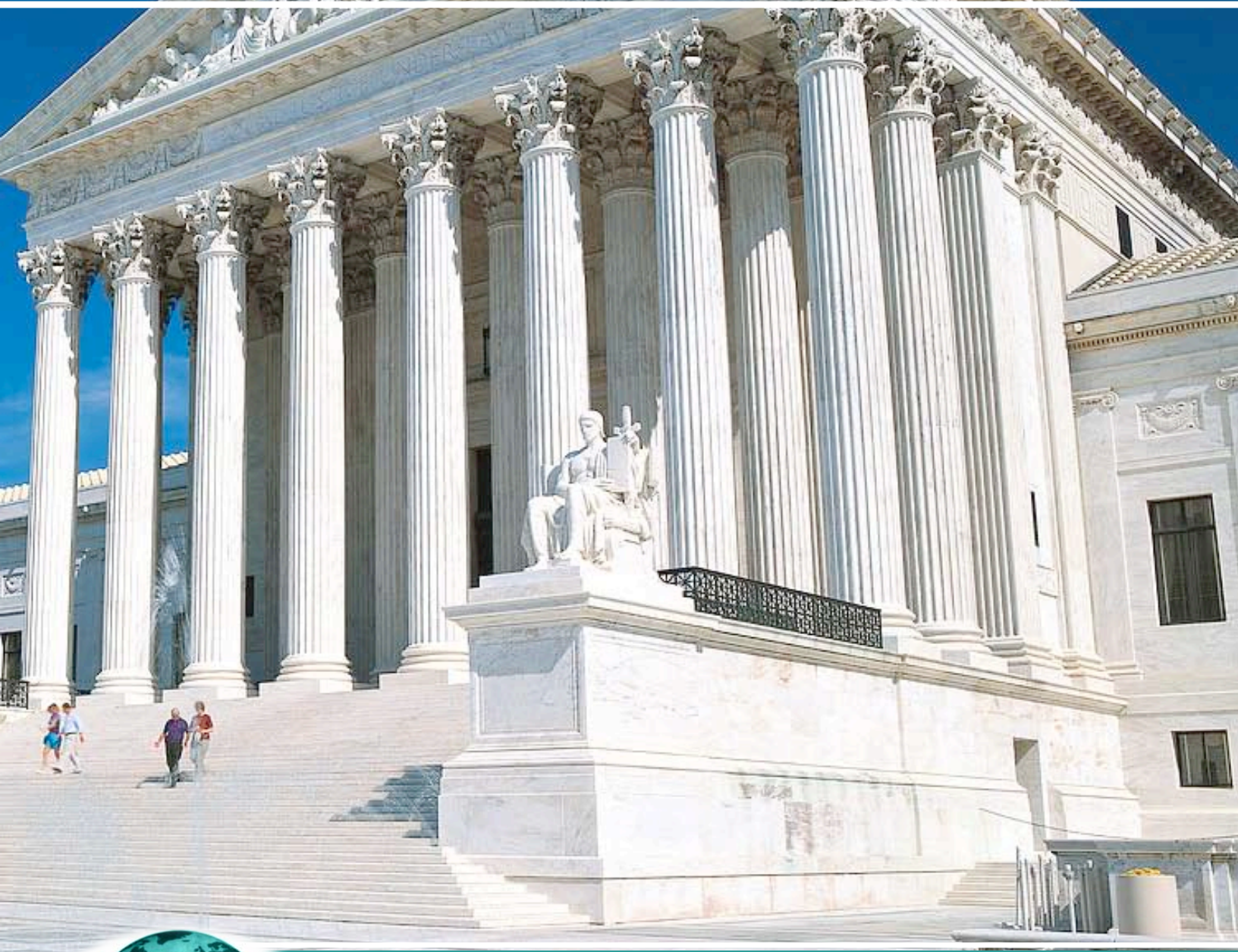


CLIMATEGATE: THE LAWYERS MOVE IN – THOSE SCIENTISTS ARE TOAST!

by James Delingpole



SPPI COMMENTARY & ESSAY SERIES ♦ December 18, 2009

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God bless America and – can I really be saying this? – God bless the legal profession! Despite the best efforts of the Obama administration, most of the world’s other governments (save the plucky Canucks), the United Nations and the Mainstream Media (MSM) to sweep Climategate under the carpet, the lawyers are putting this shoddy scandal where it belongs: in the dock. (Hat tip: [Platosays](#))

The US Department of Energy (DOE) – under pressure, most likely, from Senator Inhofe – has issued a “Litigation Hold Notice” to its various sub-departments asking them to retain any documents pertaining to the Climatic Research Unit at University of East Anglia. Below – reports [Watts Up With That](#) - is a copy of the notice sent to the DOE’s Savannah office in South Carolina:

“December 14, 2009

DOE Litigation Hold Notice

DOE-SR has received a “Litigation Hold Notice” from the [U.S. Department of Energy \(DOE\) General Council](#) and the [DOE Office of Inspector General](#) regarding the Climate Research Unit at the University of East Anglia in England. Accordingly, they are requesting that SRNS, SRR and other Site contractors locate and preserve all documents, records, data, correspondence, notes, and other materials, whether official or unofficial, original or duplicative, drafts or final versions, partial or complete that may relate to the global warming, including, but not limited to, the contract files, any related correspondence files, and any records, including emails or other correspondence, notes, documents, or other material related to this contract, regardless of its location or medium on which it is stored. In other words, please preserve any and all documents relevant to “global warming, the Climate Research Unit at the University of East Anglia In England, and/or climate change science.”

What does it mean? Big, BIG trouble for the Climategate scientists is what it means. You don’t mess with US lawyers and the reason that what might seem an essentially British affair comes under their jurisdiction is because the DOE has provided funding for these scientists. Here’s one example from the Climategate files:

From: Ben Santer <santer1@xxxxxxxxxxx.xxx>
To: lbutler@xxxxxxxxxxx.xxx
Subject: Re: averaging
Date: Tue, 23 Dec 2008 12:08:14 -0800
Reply-to: santer1@xxxxxxxxxxx.xxx

Cc: Tom Wigley <wigley@xxxxxxxxxxx>, kevin trenberth
<trenbert@xxxxxxxxxxx>
<x-flowed>

Dear Lisa,

That's great news! I've confirmed with DOE that I can use up to \$10,000 of my DOE Fellowship to provide financial support for Tom's Symposium. I will check with Anjuli Bamzai at DOE to determine whether there are any strings attached to this money. I'm hopeful that we'll be able to use the DOE money for the Symposium dinner, and to defray some of the travel expenses of international participants who can't come up with their own travel money. I'll try to resolve this question in the next few days.

Mmm. I expect you can buy quite a nice no-strings dinner for \$10,000.

And here's another one of [the Climategate emails](#) from Dr Phil Jones.

From: Phil Jones <p.jones@xxxxxxxxxxx>
To: "Neville Nicholls" <N.Nicholls@xxxxxxxxxxx>
Subject: RE: Misc
Date: Wed Jul 6 15:07:45 2005

Neville,

Mike's response could do with a little work, but as you say he's got the tone almost dead on. I hope I don't get a call from congress ! I'm hoping that no-one there realizes I have a US DoE grant and have had this (with Tom W.) for the last 25 years.

I'll send on one other email received for interest.

Cheers

Phil

Gosh. I wonder why it can be that he doesn't want congress to know about his DOE grant. Surely transparency and integrity were ever the CRU's watchwords?

But if I were the DOE's lawyers, I think one of the letters I'd most like to examine would be [this one by the CRU's former head Tom Wigley](#).

To understand its significance you need first to be aware of one of the most contentious points about Anthropogenic Global Warming (AGW) – the reliability of weather station records and the Urban Heat Island effect (UHI). For chapter and verse, your man is Anthony Watts – creator of the now legendary Watts Up With That and also of this wonderfully informative site [Surface Stations](#).

Put very simply, there is great concern among sceptics that the data records used to support the IPCC's claims about "unprecedented" and catastrophic late 20th century global warming are untrustworthy. Not only do these records rely on a dwindling number of weather surface stations whose readings have been skewed either by relocation or by the warming effects of the cities which have grown around them over the years. But also, the raw data may have

been tampered with by activist scientists with a specific political agenda – as for example we saw in [this story about some very dubious temperature records in Darwin, Australia](#).

In 2007 Steve McIntyre's Climate Audit blog had identified serious inconsistencies in one such data record – the GISTemp record at NASA, run under the auspices of Al Gore's favourite scientist James Hansen. He wondered whether similar rules might apply at another surface record, HadCrut, run by Phil Jones of the CRU. But when McIntyre put in a Freedom of Information request for data on the weather stations used by HadCrut, this was – predictably and quite deliberately, as we now know from the Climategate files – rebuffed.

Meanwhile another researcher, British mathematician Dr Doug Keenan had also smelled a rat. His suspicions had fallen on 84 Chinese weather stations whose data was being used by CRU to inform their HadCrut record.

In 1990 – as Christopher Booker reports in *The Real Global Warming Disaster* – two papers had appeared on these stations, one in *Nature* by a team led by Jones, the other by a US scientist Professor Wei-chyung Wang, who also contributed to Jones's paper. The Jones paper stated that HadCrut had chosen stations 'with few, if any, changes in instrumentation, location or observation times'. This was confirmed in almost identical terms by the Wang paper. Both papers referred to a report produced jointly by the US Department of Energy and the Chinese Academy of Sciences, making a similar claim.

As Booker describes it:

When Keenan examined this report he found that it contained information on only 35 of the 84 stations. But the locations of at least half of these had been moved during the period 1954-1983, in one case five times, by as much as 41 kilometres. This not only cast serious doubts on the reliability of their data but belied the claims made by Jones and Wang in their papers.

Bear in mind that Wang is one of the key players in the AGW debate – especially in the field of climate modeling and data analysis, as [he describes in this bio](#). He is professor in Atmospheric Sciences Research at the University at Albany, in New York. He has received \$7 million in grants from US federal agencies. And here he was being caught out in a case of alleged scientific fraud.

This is certainly what Keenan believed and submitted a report on the affair to Wang's university. How did the university respond? It carried out an internal review, without interviewing – or even referring to – Keenan, and without giving any reasons, announced that the charges were baseless. For the full dirt on this cover up read this report at [Watts Up With That](#).

Now here's that letter from Tom Wigley to Phil Jones giving his views on the affair:

(3) At the very start it seems this could have been easily dispatched. ITEM X really should have been ...

“Where possible, stations were chosen on the basis of station histories and/or local knowledge: selected stations have relatively few, if any, changes in instrumentation, location, or observation times”

Of course the real get out is the final “or”. A station could be selected if either it had relatively few “changes in instrumentation” OR “changes in location” OR “changes in observation times”. Not all three, simply any one of the three. One could argue about the science here — it would be better to have all three — but this is not what the statement says.

Why, why, why did you and W-C W not simply say this right at the start? Perhaps it's not too late?

What we see encapsulated here is the corruption at the heart not just of Climategate but the whole IPCC process. Here we have the former head of one of the world's leading climate research bodies apparently brainstorming with a colleague implicated in a fraud scandal on how best to conceal that fraud from outside investigation.

Meanwhile in a separate case, a [US State Senator has written to Penn State University](#) warning that its funding may be withheld if it doesn't properly investigate the activities of its associate professor Michael Mann.

As Jeffrey Piccola rightly points out:

“The allegations of intellectual and scientific fraud like those made against Dr. Mann are serious against anybody involved in academics but the impact in this case is significantly elevated. The work of Dr Mann and other scientists at the CRU is being used to develop economic and environmental policies in states and countries across the world.”

Meanwhile in Copenhagen, the caravan rolls on. I'm not saying we're going to win this one easily. Not with so many powerful vested interests backing AGW theory – among them the firms listed in this release from Open Europe: (Hat tip: Msher1 and Alexei)

EU environmental policy awards millions in windfall profits to oil companies and heavy industry

As national ministers meet this week in Copenhagen to discuss a new climate change deal, Open Europe has found that under the EU's Emissions Trading Scheme (ETS), oil and gas companies' operations in the UK were granted a surplus of carbon permits worth €28.6m in 2008. For example, ExxonMobil received €4.3m and Total received €5.4m.

Meanwhile, heavy industrial polluters such as Corus received €47m, while cement firms Hanson and Lafarge received €17.3m and €20.2m.

Due to the economic downturn, many heavy polluters, such as oil and gas companies and heavy industrials, have been left with a surplus of carbon permits – essentially a free asset that firms can sell on to bolster their short term profits.

The glut of surplus permits on the market has driven down the price of carbon and led to a sharp increase in the number of permits being traded via carbon exchanges. Open Europe has found that the two largest carbon trading exchanges, European Climate Exchange and Bluenext, which includes members such as Barclays Bank, JP Morgan, Merrill Lynch and Shell, have earned a combined average of €245,000 a day from the trading of carbon permits.



James Delingpole is a writer, journalist and broadcaster and the author of numerous books including *Welcome To Obamaland: I've Seen Your Future And It Doesn't Work*, *How To Be Right*, and the *Coward* series of WWII adventure novels.

Source: <http://blogs.telegraph.co.uk/news/jamesdelingpole/100019956/climategate-the-lawyers-move-in-those-scientists-are-toast/>.

