

'Goodbye Washington.' Trial records paint 'chilling' picture:

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THE JOHNSON AND NIXON YEARS: SETTING THE STAGE FOR CHANGE

17. In 1965, in an early recognition of the climate threat, President Johnson's Science Advisory Committee released the report "Restoring the Quality of the Environment." This important White House ...

White House report found that:

Through his worldwide industrial civilization, Man is unwittingly conducting a vast geophysical experiment. Within a few generations he is burning the fossil fuels that slowly accumulated in the earth over the past 500 million years. The CO₂ produced by this combustion is being injected into the atmosphere; about half of it remains there. The estimated recoverable reserves of fossil fuels are sufficient to produce nearly a 200% increase in the carbon dioxide content of the atmosphere. By the year 2000 the increase in atmospheric CO₂ will be close to 25%. This may be sufficient to produce measurable and perhaps marked, changes in climate, and will almost certainly cause significant changes in the temperature and other properties of the stratosphere.

Lawyers suing the government over climate change uncovered hundreds of documents showing that U.S. officials were aware of man-made warming. (Emphasis added.) Court records filed by the plaintiffs in *Juliana v. United States*.

In the fall of 1969, White House adviser Daniel Moynihan wrote to John Ehrlichman, one of President Nixon's closest aides, to explain the concept of climate change and why it was a problem.

"The process is a simple one," wrote Moynihan, who later represented New York in the Senate. "Carbon dioxide in the atmosphere has the effect of a pane of glass in a greenhouse."

He told Ehrlichman that carbon dioxide levels would likely rise, due to human activity, placing lives in grave danger.

"This could increase the average temperature near the earth's surface by 7 degrees Fahrenheit," he wrote. "This in turn could raise the level of the sea by 10 feet."

He added: "Goodbye New York. Goodbye Washington, for that matter."

This exchange between two Nixon White House staffers is one of hundreds, perhaps thousands, captured in records that plaintiffs in an ambitious climate lawsuit intend to use in court to demonstrate that the U.S. government has known at the highest levels for generations that climate change is man-made and perilous.

The plaintiffs, 21 children and young adults, sued the government in 2015, charging that administrations repeatedly violated their right to live in and occupy a safe climate by approving fossil fuel projects, despite the fact that they knew the climate was warming and humans were the main cause.

The Supreme Court last week temporarily stayed the trial in the case, which was slated to start Monday, and the Trump administration is trying to push it out of court entirely.

But if the trial happens, the trove of files in the plaintiffs' possession will be a core plank of their arguments.

Meg Ward, spokeswoman for Our Children's Trust, the legal group behind the plaintiffs, declined to comment about how many records the group has or how the legal team might use them in court.

"This is our trial story, and Julia does not want to litigate in the media," Ward said, referring to Julia Olson, the lead attorney in the case.

Some of the story, though, can be gleaned in at least 600 exhibits the plaintiffs have filed with the U.S. District Court for the District of Oregon. They include technical records of energy contracts approved by the government, air quality files from EPA and reports sent from one mid-ranking government scientist to another.

For months, a team helping Our Children's Trust scoured government archives, research centers, universities, news clippings and presidential libraries to find records related to climate change and its knock-on effects. Some files came from former government employees.

Although the plaintiffs may not get their day in court, let alone a ruling in their favor, their document dive brings into sharp relief the fact that the U.S. government has known about and studied global climate change for longer than many realize.

A day after meeting with President Kennedy in February 1961, the late Sen. Clinton Anderson (D-N.M.) wrote the president a letter in which he included a hard copy of a Fortune magazine article.

The author, John von Neumann, a former member of the Atomic Energy Commission, warned of dramatic physical changes to the world's ecological systems.

Humanity's technological power could lead to significant rises in sea levels and a warming climate, von Neumann said.

"He realized ... that changes could affect the level of the seas and hence the habitability of the continental coastal shelves," Anderson wrote to Kennedy.

"I mean only to suggest to you that this is an interesting subject and one which should not be put entirely on the shelf," he wrote.

One of the plaintiffs, Alex Loznak, found the 1961 exchange at the John F. Kennedy Presidential Library and Museum, according to Curtis Morrison, a former researcher with Our Children's Trust.

Many of the files on which the plaintiffs rely hide in plain sight.

In a 1965 speech, for example, President Lyndon Johnson devoted a lengthy section to air pollution.

He didn't use the term "climate change." But that's what he was talking about.

"Air pollution is no longer confined to isolated places," Johnson said at the White House. "This generation has altered the composition of the atmosphere on a global scale through radioactive materials and a steady increase in carbon dioxide from the burning of fossil fuels."

Gus Speth, former White House Council on Environmental Quality chairman under President Carter, agreed to be an expert for the plaintiffs.

In a report submitted to the court, Speth quoted a 1965 White House study that found humankind was changing the atmosphere and that CO₂ emissions could spike by 25 percent by 2000.

"Through his worldwide industrial civilization, Man is unwittingly conducting a vast geophysical experiment," the study reads. "This may be sufficient to produce measurable and perhaps marked changes in climate, and will almost certainly cause significant changes in the temperature and other properties of the stratosphere."

Charlie Tebbutt, an environmental lawyer who filed a brief in support of the plaintiffs, said trial would be impressive because it would merge decades-old reports with testimony from today's experts.

"It's an amazing assemblage," Tebbutt said. "And it would be a shame if that were never allowed to create the record."

Some of the records are just a few pages. Others are several hundred long. Some, such as long-term natural gas contracts with Canadian ports and Department of Energy studies on atmospheric particles, cover granular aspects of climate change and energy issues. Others lay out

climate facts in broad strokes.

If the Supreme Court lifts the stay and all the evidence is presented in trial at Oregon District Court, Mary Wood, a University of Oregon law professor whose research helped inspire the case, is confident the justices would be impressed.

"If that record is properly developed, the Supreme Court justices will see a mind-blowing set of circumstances," Wood said. "And it is so stark that really no one can turn away from it if they are rational."

Wood follows the case closely and has reviewed some of the records.

The letter from Moynihan to Ehrlichman, and one part in particular — "Goodbye New York. Goodbye Washington" — stood out.

"The truth will come out, you can't suppress it," Wood said. "Anyone can read those declarations, and I found them chilling."