

In dem verwaltungsgerichtlichen Verfahren

**Frau Naomi Seibt**

Diekbree 19, 48157 Münster

Klägerin

**gegen**

**die Landesanstalt für Medien NRW**

Zollhof 2, 40221 Düsseldorf

Beklagte

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WITNESS STATEMENT of  
THE VISCOUNT MONCKTON OF BRENCHLEY

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I, Christopher Walter Monckton of Brenchley, commonly known as The Viscount Monckton of Brenchley, Peer of the Realm, of Hobbit Court, Dyrham, Chippenham, Wiltshire, United Kingdom, SN14 8HE (+44 7814 556423; [monckton@mail.com](mailto:monckton@mail.com)) will say –

1. The Landesanstalt Für Medien (hereinafter “LFM”) had originally written to Frau Seibt on 26 February 2020 to complain of the following three videos (hereinafter “video 1”, “video 2” and “video 3” respectively):
  1. "Climate change - all just hot air? - Part 1", posted on 01.07.2019;
  2. "I want you to think - Welcome to the Heartland Institute 2020", posted on 11.02.2020;
  3. "Anti-Greta or pro-human?", posted on 16.02.2020.
2. It was I who introduced Frau Seibt to James Taylor, an old friend who is now President of the Heartland Institute, at a conference of the Europäisches Institut für Klima und Energie (EIKE) in München on climate change in December 2019.
3. I spoke at the EIKE conference and arranged for Frau Seibt to be called to speak as well. Her speech reflected what video 1 demonstrates was already her opinion by that time: namely, that the adverse effects of global warming have been much exaggerated and its benefits much underestimated.
4. When I suggested to Frau Seibt that she might like to meet Mr Taylor, she said she had not previously heard of the Heartland Institute. Video 1 had made no mention of the Heartland Institute, for in July 2019 she had not heard of it.
5. Frau Seibt has told me that she made video 1 on the basis of her own research into the climate question. From my knowledge of Frau Seibt’s opinions on the climate question, gained in many conversations and collaborations since December 2019, and from my knowledge of the Heartland Institute’s publications on climate change, I attest that Frau Seibt’s opinions and those expressed in documents of the Heartland Institute were

coincident before I introduced her to the Institute's current president. It is precisely because they were coincident that I made the introduction. I am told the LFM has now withdrawn its objection to video 1.

6. To assist the Court in determining whether the LFM had acted justly or proportionately in concluding that in respect of video 2 Frau Seibt has contravened the law against unlawful product placement and that the alleged contravention is sufficiently grave to subject a 19-year-old YouTuber to a fine of 1000 euros, costs of 2000 euros and imprisonment for up to two weeks in default, in that she is alleged to have referred therein to the Heartland Institute without contemporaneously making explicit her connection with the Institute, and in that therein she advocated policy prescriptions, the following evidence is respectfully offered.
7. The LFM, in its initial letter to Frau Seibt dated 26 February 2020, defines product placement as "the targeted implementation of policy-prescriptive topics in the course of a contribution in the interest and on behalf of a third party in return for compensation".
8. I now reproduce in full the two brief mentions of the Institute in that video. These two mentions in video 2, together with the brief appearance of Heartland's name and logo in video 2, constitute the only references to the Heartland Institute in any of videos 1-3.

"Hello, everyone. My name is Naomi Seibt and I am a new member at the Heartland Institute."

"... and we at the Heartland Institute, we want to speak the truth about the science behind climate realism, which is essentially the opposite of climate alarmism."

9. At United Kingdom law, product placement only occurs where a) the third party or any product thereof is named and b) the contribution in question does not make public the link between that third party and the contributor. In each of the two brief mentions of the Heartland Institute made by Frau Seibt, her link with the Institute is made explicit.

No policy prescriptions are advocated at any point in video 2. The entire text, less than 300 words in length, is not reproduced in any of the LFM's documents. For the assistance of the Court, it is reproduced in full below. The views Frau Seibt expresses are in essence identical to those which she expressed in video 1, of which the LFM no longer complains.

"Hello, everyone. My name is Naomi Seibt and I am a new member at the Heartland Institute. And I've got very good news for you. The world is not ending because of climate change. In fact, 12 years from now we will still be around, casually taking photos on our iPhone 18s, Tweeting about the current President on Twitter and ranting about the latest celebrity gossip. However, we are currently being force-fed a very dystopian agenda of climate alarmism that tells us that we as humans are destroying the planet and that the young people especially have no future: that the animals are dying, that we are ruining nature.

"I truly believe that many members of Antifa, Fridays for Future groups, Rebellion Extinction, I really believe that many of them have good intentions but they are genuinely scared of the world ending, and scared that their parents and grandparents are ruining the planet, that it's breaking relationships, it's breaking up families, and we at the Heartland Institute, we want to spread truth about the science behind climate realism, which is essentially the opposite of climate alarmism.

Many people are now actually developing mental disorders, and referring to it as eco-anxiety and eco-depression. And I believe it is important that we act now and change this entire mainstream narrative of fear-mongering and climate alarmism, because it's basically just holding us hostage in our own brains.

“With all of that said, don't let an agenda that is trying to depict you as an energy-sucking leech on the planet get into your brain and take away all of your passionate spirit.

“I don't want you to panic. I want you to think.”

10. Obvious errors in an administrative act are capable of being corrected *ex post facto* in accordance with section 42, VwVfG (1976). The LFM's quasi-judicial decision was that video 2 constituted unlawful thematic placement mentioning a third party and advocating policy-prescriptive measures. On the facts, however, Frau Seibt advocates no policy-prescriptive measures in video 2. Therefore, the LFM's decision was contrary to the facts. However, the LFM, though I had drawn the error to its attention in correspondence sent not only directly but also via the German Ambassador in London, had not corrected its administrative act at the time of writing this witness statement.
11. To assist the Court in determining whether the LFM had acted justly or proportionately in concluding that video 3, “Anti-Greta or pro-human?”, constitutes unlawful product placement sufficient to justify the imposition of a fine of 1200 euros and costs of 200 euros, with up to two weeks' imprisonment in default, the full text of Frau Seibt's remarks in video 3 is annexed and signed as relative hereto. At no point in the text does Frau Seibt mention the Heartland Institute at all. At no point does video 3 display any branding of the Heartland Institute. The video is in German with English subtitles, and appears to have been delivered to a German audience, which accorded the speech a standing ovation.
12. I wrote to the LFM both before and after it issued its administrative act to draw its attention to the fact that Frau Seibt made no mention of the Heartland Institute at all in video 3.
13. The LFM's quasi-judicial decision was that video 3 constituted unlawful thematic placement mentioning a third party. However, since Frau Seibt does not mention the Heartland Institute anywhere in video 3, the LFM's decision was contrary to the facts. However, the LFM, though I had drawn the error to its attention in correspondence sent not only directly but also via the German Ambassador in London, had not made a section 42 correction of its administrative act at the time of writing this witness statement.
14. To assist the Court in determining whether the sentiments expressed by Frau Seibt in video 3 were in any material degree influenced by the fact that at the time she was providing freelance assistance to the Heartland Institute, and whether the LFM was correct in saying, in its administrative act, that “this is a case of undue influence [by the Institute] on your editorial content”, evidence is now offered that the source for all of Frau Seibt's scientific statements in video 3 was my speech at the December EIKE conference, at which Frau Seibt had been present. I shall cite each of Frau Seibt's scientific points, and shall then demonstrate the source of each of those points in my EIKE address.

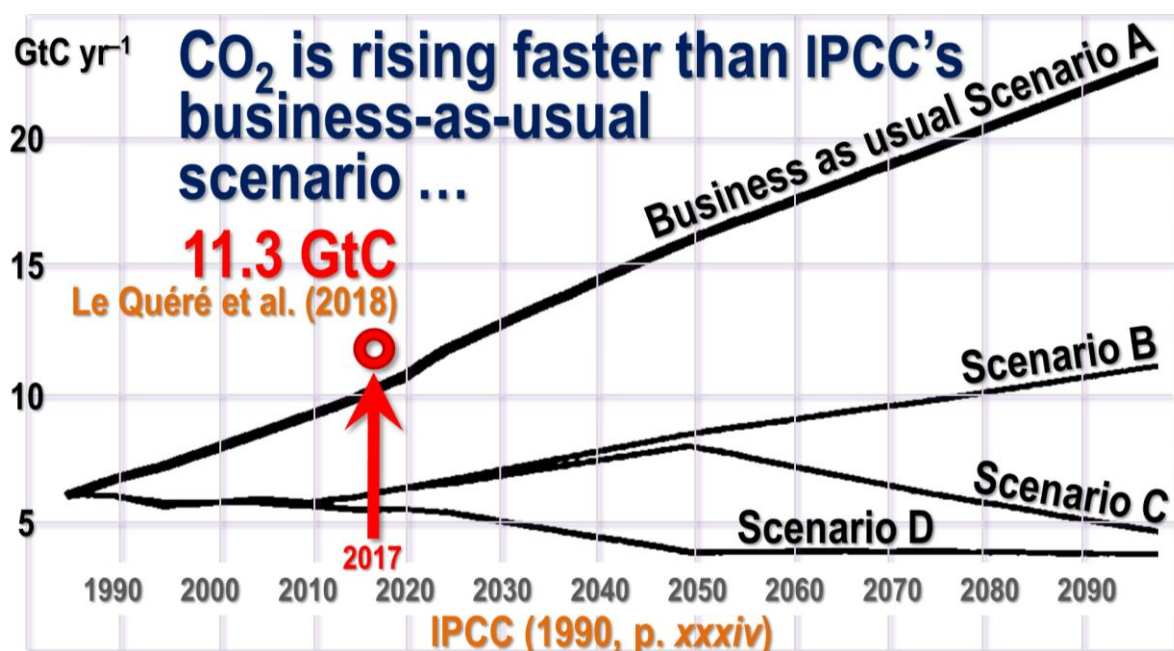
**Frau Seibt (in video 3):** “In the last couple of decades global warming has been way less severe than initially foretold by the IPCC. They claimed that we would have to expect a third of a degree of global warming per decade. Well, that prediction failed.”

The relevant slide from my speech is below. Actual, measured warming in the three decades since 1990 has been about 0.17 K per decade.



**Frau Seibt:** “... they overestimated the magnitude of global warming even despite the fact that CO<sub>2</sub> emissions have been increasing more than anticipated by the IPCC.”

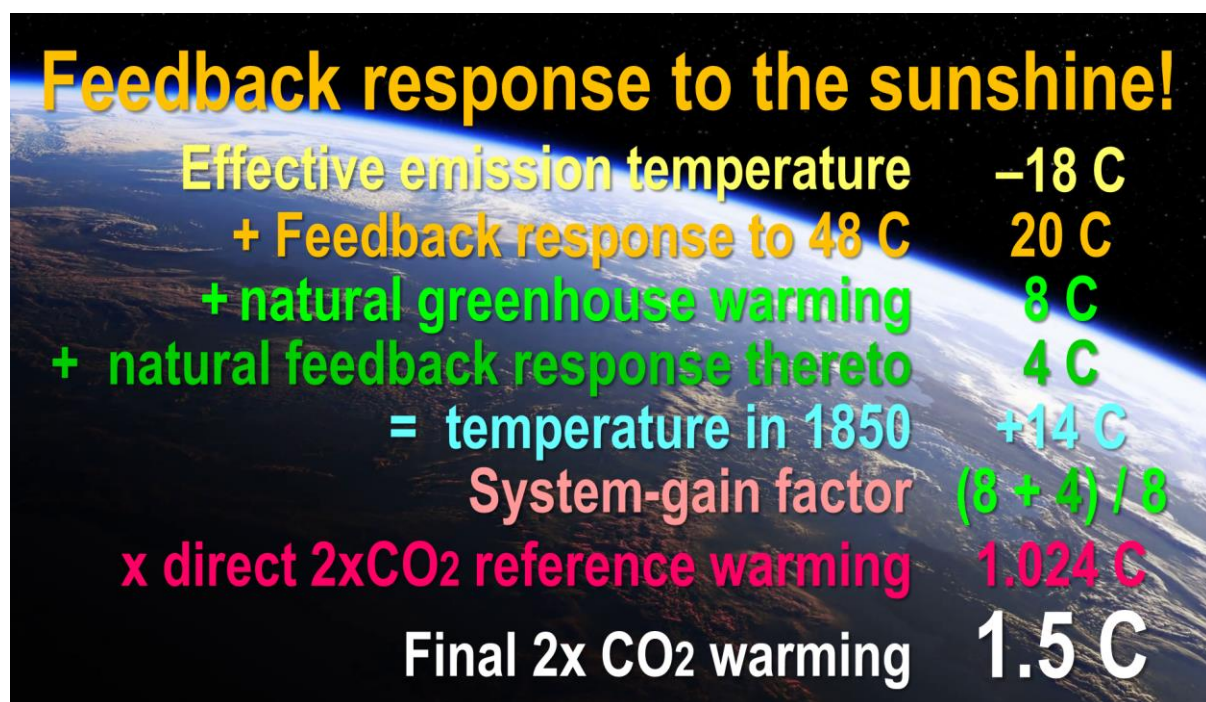
The relevant slide from my speech is below. The “business-as-usual” prediction for CO<sub>2</sub> emissions made in 1990 is the prediction based on the assumption that no national or global *Energiewende* would be implemented. The red disc shows the actual emissions for 2017, the most recent year for which figures were then available. Emissions are above prediction, and yet global warming is only half of what had originally been predicted.





**Frau Seibt:** "... and what about the Sun? Has anyone considered the immense impact that the Sun has on the climate in comparison to manmade CO<sub>2</sub> emissions?"

The relevant slide from my speech is below. I explained that climatology borrowed feedback analysis from a branch of electronic engineering known as control theory, but misunderstood it and erroneously defined "feedback" as amplifying the direct warming only from changes in global temperature such as those caused by greenhouse gases, when control theory would lead us to expect a large amplifying feedback response to the heat from the Sun. Climatology misallocates this large feedback response, mistakenly adding it to the feedback response to greenhouse gases. Therefore, climatologists expect any manmade change in greenhouse-gas concentrations to produce a much larger feedback effect than is at all realistic. This fundamental error of physics is the chief reason why a large and dangerous warming is predicted when, after correcting the error, a small and harmless warming of about 1.5 degrees for every doubling of CO<sub>2</sub> concentration is all that is to be expected.



**Frau Seibt:** "The IPCC's climate models predict that you get a warming effect of 4.1 degrees per doubling of CO<sub>2</sub> concentration in the atmosphere. However, when we apply the reverse calculation with real temperature data since 1850, we will find that CO<sub>2</sub> emissions only account for 1.4 degrees of actual extra warming. So that means that those climate models are calculating with amplifying factors that artificially inflate the global warming prognoses."

The relevant slide from my speech is below. It is not generally realized that if all one needs to know is how much warming we may cause by doubling the CO<sub>2</sub> in the air one does not need the complex computer models of climate that are now used. The warming can be calculated from known warming and manmade radiative forcing and measured radiative imbalance (i.e., forcing that has arisen but has not yet induced warming) since 1850. The method is well established in the learned literature, and is shown, with data sources, in the slide below. Expected eventual warming from doubled CO<sub>2</sub>, thus calculated, is about 1.4 degrees, not the 4.1 degrees predicted by the CMIP6 ensemble of models in 2019.

## Expected final warming from 2xCO<sub>2</sub> derived from real-world data, 1850-2011

$$3.45 \text{ W m}^{-2} \frac{0.75 \text{ C warming from 1850-2011}}{(2.5 \text{ W m}^{-2} - 0.6 \text{ W m}^{-2} \text{ forcing})} < 1.4 \text{ C, not } 4.1 \text{ C}$$

Forcing from doubled CO<sub>2</sub>: CMIP5 models (Andrews 2012)

Observed warming, 1850-2011: HadCRUT4 (Morice et al. 2012)

Manmade forcing, 1850-2011: IPCC (2013, fig. SPM.5)

... of which, unrealized to 2010: Smith (2015) radiative imbalance

**Frau Seibt:** “What is the ideal global mean surface temperature for the Earth? Has anyone ever given you an answer to that question? And if not, that means that we don’t even have any kind of foundation upon which we can base an evaluation of the repercussions of global warming. Perhaps global warming isn’t even that detrimental.”

The relevant slide from my speech is below. I had said that the question what is the ideal global mean surface temperature has neither been asked nor answered by climatology, and that, since it has not been answered, there is no legitimate basis for saying that the small warming we have seen since our influence first became theoretically significant in 1850 is or will be at all likely to become dangerous.

# What is the ideal global mean surface temperature?



**Frau Seibt:** “We must not deny to ourselves, nor to the people from very poor third-world countries, access to cheap and reliable energy.”

A relevant slide from my speech is below. Other slides showed that millions die each year of known causes related to lack of access to electrical power.

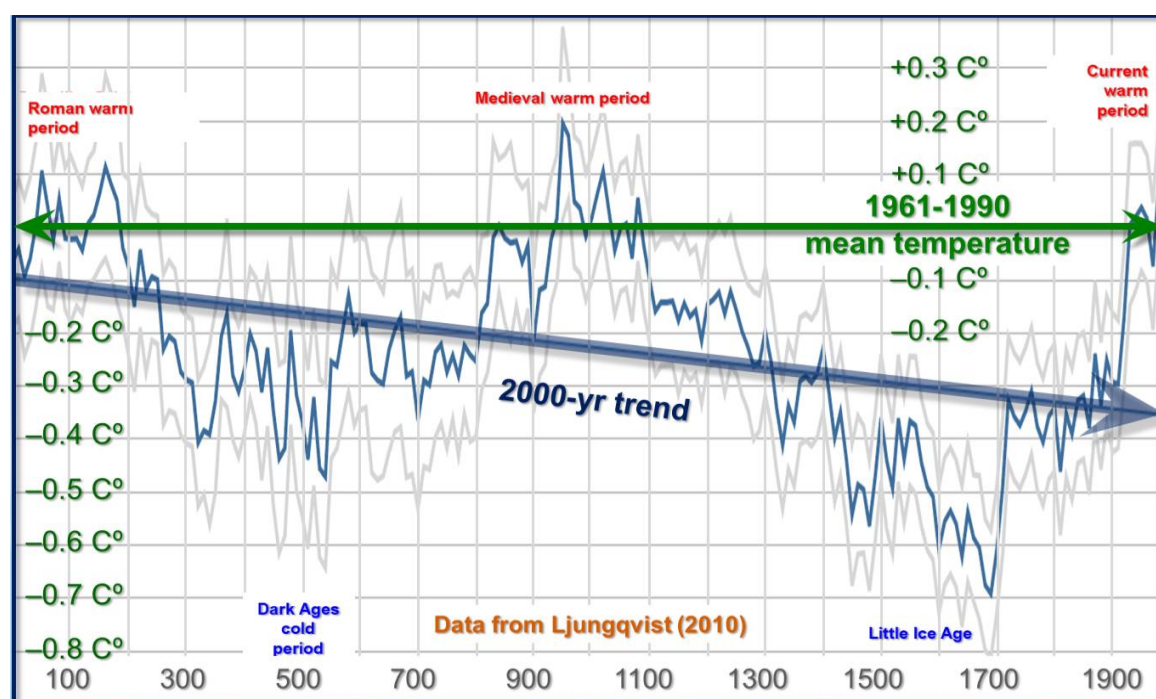


I made the speech from which Frau Seibt took her scientific points before she had any involvement with the Heartland Institute. From my discussions with Frau Seibt I know that from this and other speeches and from her own extensive previous research she had formed her own view of the climate question before she Had joined the Heartland Institute.

15. To assist the Court in determining whether the LFM was correct in writing to state that videos 2-3 “are essentially characterized by the statement that there is no scientific evidence of climate change caused by human behaviour”, I refer to the quotations given in paragraph 14 above from video 3, and to the full texts of videos 2 and 3. At no point anywhere in these videos does Frau Seibt state or imply that “there is no evidence of climate change caused by human behaviour”. On the contrary, Frau Seibt’s reference to the 1.4 degrees’ warming to be expected in response to doubled CO<sub>2</sub> confirms what I have learned from discussions with Frau Seibt: she accepts that human behaviour does cause climate change, though not as much climate change as was originally predicted.
16. To assist the Court in determining whether the LFM was correct, in its initial letter to Frau Seibt and in its quasi-judicial administrative act, to write that Frau Seibt’s videos 2 and 3 “focus on the assumption that manmade climate change cannot be scientifically proven”, or to write that “the assumption that there is no climate change caused by human behaviour is correspondingly represented and spread by the American Heartland Institute”, I refer to the quotations in paragraph 14 above from video 3, and to the full texts of Frau Seibt’s remarks in both videos. At no time does Frau Seibt say or imply that “manmade climate change cannot be scientifically proven”, or anything to that effect. At

no time in my many conversations with Frau Seibt have I ever heard her say anything to that effect. On the contrary, Frau Seibt, both in videos 2 and 3 and in her conversations with me, treats global warming as a fact. However, she points out, correctly that only half as much warming is occurring as had originally been officially predicted. I act as an informal, unpaid adviser on policy to the Heartland Institute, and I have a good knowledge of its stance on the climate question. It has repeatedly acknowledged in its scientific research documents on climate change that anthropogenic influence occurs. However, like Frau Seibt, it has correctly drawn attention to the fact that the magnitude of that influence, for instance as measured by the rate at which global warming is occurring, is considerably below what had originally been officially predicted.

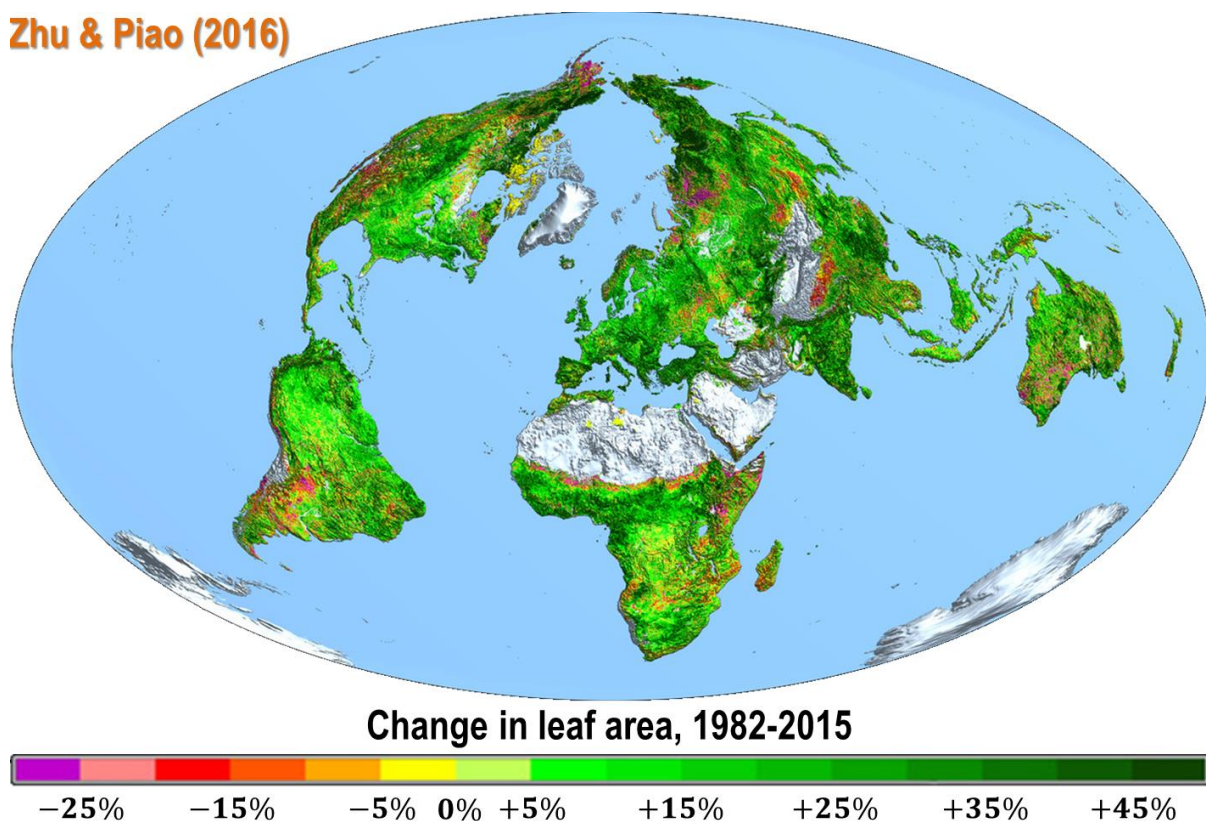
17. To assist the Court in determining whether the LFM, in describing its fellow supporters of the official viewpoint on climate change in its quasi-judicial administrative act as “the climate-friendly movement”, was maintaining the strictly “independent and impartial” stance that Article 6, European Human Rights Convention, requires of a public authority purporting to exercise a judicial or quasi-judicial function, or whether the LFM’s use of that term, particularly when taken with its undeclared redaction of the identity of the person who first drew its attention to Frau Seibt’s videos when her advocate had asked for a complete and unaltered file, constitutes evidence of prejudice sufficient to require the administrative act to be set aside, the following evidence is respectfully offered.
18. Past warm periods, such as the mediaeval warm period, were generally warmer than the present. Until the global warming debate became politicized, for decades climatologists and meteorologists had described those warm periods as “climate optima”, for warmer is better than colder. The mediaeval, Roman, Minoan, Egyptian Old Kingdom and Holocene climate optima were all at least as warm as the present, as hundreds of peer-reviewed scientific papers attest: see, for instance, the graph below, from Ljungqvist (2010), showing the mediaeval and Roman warm periods in relation to the current warm period.





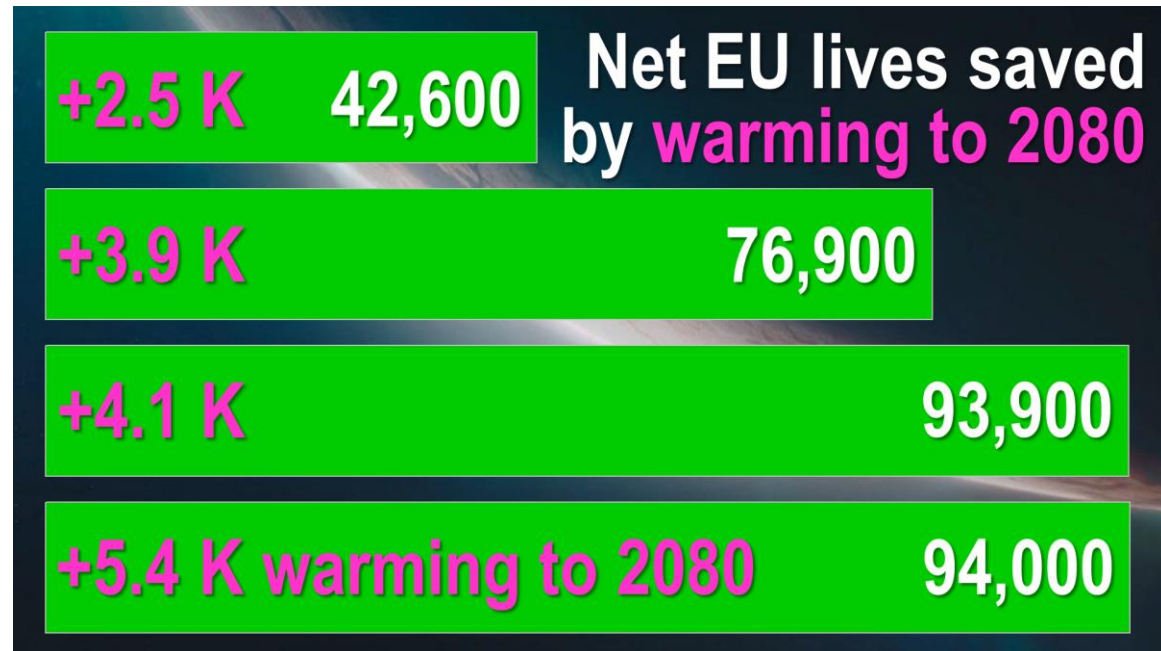
19. There is a great deal of evidence, both historical and contemporary, of the many benefits of increasing the CO<sub>2</sub> concentration in the atmosphere. For instance, the scientific term “CO<sub>2</sub> fertilization” describes the process by which increasing the CO<sub>2</sub> concentration in the atmosphere facilitates photosynthesis, from which plants derive their energy, and thus promotes considerably faster growth in trees and plants. This faster growth has been measured by NASA satellites, from whose data (see the image below) it has been possible to estimate that – notwithstanding deforestation in some countries – the total biomass of living trees and plants on Earth, known to biology as their “net primary productivity”, has increased by 15-30 per cent in recent decades. In addition, the recent partial reversal of 2 million years’ decline in CO<sub>2</sub> concentration has enabled trees and plants to reduce the number of stomata (mouths) on the undersides of their leaves, through which they take up the CO<sub>2</sub> in the surrounding air. Since plants also lose water through their stomata, the reduction in the mean number of stomata consequent upon anthropogenic enrichment of the air with CO<sub>2</sub> greatly increases resistance to drought. As early as 1981, Nicholson et al. reported that some 300,000 square kilometres of the Sahara Desert had become green for the first time in recent history, allowing nomadic tribes to settle there for the first time in recorded history.

**Zhu & Piao (2016)**



20. Other benefits of CO<sub>2</sub> fertilization include warmer weather, which is better for very nearly all species on Earth (including polar bears) than colder weather. Research recently conducted on behalf of the EU Commission demonstrates that, even if there were to be as much as 5.4 degrees’ warming by 2080 [my own calculations suggest little more than 1 K by then], the effect of that warming would be to increase the population of Europe by some 100,000, because the increase in deaths from more frequent extreme-heat events

would be more than outweighed by the decrease in deaths from cold, as the image below illustrates. The more warming, the more lives saved. Many more examples of the benefit of more CO<sub>2</sub> in the air and consequent warmer weather might be presented but are here omitted *brevitatis causa*. For such reasons, it is not legitimate to assume that reducing CO<sub>2</sub> concentration will be at all “climate-friendly” in net terms.



21. To assist the Court in determining whether the LFM accorded Frau Seibt her right to a fair trial in terms of the *audiatur et altera pars* provisions of Article 6, European Human Rights Convention, and whether in particular it was lawful for the LFM to reach a determination and issue its administrative act on 4 May before it had received a substantive response from or on behalf of Frau Seibt, the following evidence is respectfully offered.
22. The LFM has issued a statement to the effect that Frau Seibt had been given an opportunity to respond to its allegations before it issued its administrative act to her detriment. However, Frau Seibt has told me that on her behalf representations were made to the LFM on or about 6 April 2020 to the effect that Frau Seibt had not at that date regained her strength following hospitalization. I am told that because Frau Seibt was so ill her advocate had, on her behalf, then requested more time to prepare her substantive response, and that the response of 6 April 2020 was merely a brief interim response.
23. I understand that Frau Seibt was hospitalized for a severe abdominal condition that had required emergency surgery. I do know that as far back as December, when we were together in Spain at a climate conference, Frau Seibt was far from well throughout and, one day, collapsed altogether, whereupon I accompanied her throughout the day to ensure that she came to no harm. It was plain that she was very ill indeed. Thereafter, on frequent occasions until mid-May, Frau Seibt continued to be far from well, and mentioned the fact frequently to me in conversation. It was only on 20 May 2020 that Frau Seibt told me that she was fully recovered and feeling well again for the first time.

24. To assist the Court in determining whether the LFM has been as transparent as Frau Seibt in disclosing its interest, and whether the Court should order LFM to disclose unredacted all documents establishing whether the LFM has acted impartially in the light of the distinction that the LFM has drawn in its administrative act between those whom it describes as “climate-friendly” and not “climate-friendly”, I have examined an image that I understand is that of the sole document disclosed by the LFM in response to a request by Frau Seibt’s attorney that the LFM should disclose its entire case file, including any document establishing who had drawn the LFM’s attention to Frau Seibt’s videos.
25. I am sometimes consulted by my own and other governments to provide expert evidence on the question whether copy documents whose originals have not been supplied may have been redacted before copies were disclosed or are otherwise suspect. For instance, some years ago the Sheriff of Maricopa County, Arizona, asked me to examine and report upon images of a birth certificate purporting to be that of Mr Barack Hussein Obama.
26. The document supplied by the LFM, which appears to contain information supplied by a third party about Frau Seibt’s videos, has been redacted in several places with the effect of concealing the identity of the person who had reported Frau Seibt’s videos to the LFM. In addition it is possible, though not certain, that some of the text of the document was redacted before it was supplied to Frau Seibt.
27. To assist the Court in deciding whether Frau Seibt’s brief mentions of the Heartland Institute in one short video constitute unlawful “surreptitious” product placement in terms of the Interstate Treaty, the following evidence is respectively offered.
28. The two brief mentions of the Heartland Institute in §8 above both make explicit Frau Seibt’s membership of the Heartland Institute. There is nothing “surreptitious”. In terms of the Interstate Treaty, Frau Seibt retained complete editorial control and independence; the video did not promote the purchase, rental or lease of any goods or service; nor were there any special sales-promoting references to any such goods or services.
29. To assist the Court in determining whether a) the conduct of the LFM in this case, b) the very existence of the LFM as at present constituted, managed and operating, c) the law of Nordrhein-Westfalen under which the LFM has presumed and purported to act and d) the associated interstate treaty are incompatible with the European Convention on Human Rights, and e) whether the Court should issue certificates to the effect that the said law and the said treaty are incompatible with the Convention, the following evidence is respectfully offered.
30. Though Article 9 of the Convention states that “Everyone has the right to freedom of thought, conscience and religion”, the correspondence from the Authority repeatedly states that Frau Seibt’s opinion in opposition to the official or, in its words, “climate-friendly” position on climate is unacceptable. None of the exceptions listed in Article 9 as derogating from freedom of thought applies in the present case.
31. Though Article 10 states that “Everyone has the right to freedom of expression”, the Authority has ordered Frau Seibt to take down videos 2 and 3 on the stated ground that those videos mention the Heartland Institute and that policy prescriptions are advocated therein, wherefore the videos constitute unlawful product placement. Yet no policy

prescriptions are offered in video 2, in which Frau Seibt states that she is now a member of the Heartland Institute, and the Institute is not mentioned at all in video 3. Article 10 states that the right of freedom of expression “shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.” LFM is a public authority. None of the exceptions to the right of freedom of expression listed in Article 10 is applicable in the present case.

32. Though Article 11 states that “Everyone has the right to freedom of peaceful assembly and to freedom of association with others ... No restrictions shall be placed on the exercise of these rights ...”, and though none of the exceptions to the freedom of association listed in Article 11 is applicable in the present case, the law, the interstate treaty and the Authority all purport to introduce a restriction upon freedom of association that is not encompassed by any of the listed exceptions.
33. Though Article 14 states that “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as ... religious political or other opinion, ...”, the Authority has founded its quasi-judicial administrative act on its express view that Frau Seibt’s opinions are not “climate-friendly”.
34. To assist the Court in determining to what extent the conduct of the LFM in this case forms part of a pattern of widespread and organized fraud and blackmail, reaching even into official circles and public bodies, by which a narrow, extreme, unduly alarmist and scientifically questionable official position on the climate question is heavily promoted while those who, like Frau Seibt, publicly and efficaciously raise legitimate and scientifically justifiable questions about that official position are by various methods unlawfully silenced by abuse of power on the part of such public authorities, the following evidence is respectfully offered.
35. The LFM has admitted that it is acting at the instance of a person or persons whose identity it has redacted without having declared that it had redacted the communication from that source, and notwithstanding an explicit, written request on behalf of Frau Seibt that no such documentation disclosed to her should be altered in any way.
36. The persons or persons unknown had drawn the LFM’s attention to a television programme made by journalists falsely posing as potential donors to the Heartland Institute.
37. The journalists, in that broadcast, described themselves as “undercover”. However, every minute of the Heartland conference on which they reported in their “undercover” programme was broadcast live and in real time for all to see by the Heartland Institute.
38. The allegation in the programme, repeated by the person or persons unknown to the LFM and founded upon without any attempt at independent verification by the LFM in its initial letter of 26 February 2020 and again in its quasi-judicial administrative act of 4 May 2020, this time without having given the dangerously ill Frau Seibt the opportunity to recover sufficiently to provide a substantive and complete answer to the allegations, is to the effect that Frau Seibt “is paid for video contributions by the Heartland Institute to downplay climate change”. In fact, as video 1 proves, Frau Seibt was already making climate videos before she even knew the Heartland Institute existed.



39. After Frau Seibt became a member of the Institute, she continued to make such video contributions. She has told me that she would have made those videos, and would have expressed her own views therein, whether or not she had come across the Heartland Institute. Indeed, she is continuing to prepare such videos, and has said that she will be drawing upon my long experience as the author of several peer-reviewed papers on climate science and mitigation economics in the preparation of these videos.
40. Frau Seibt will still make these videos, though the Heartland Institute does not pay her.
41. The LFM failed to correct the obvious mistakes in its administrative act even though those mistakes had been thrice drawn to its attention in writing.
42. At United Kingdom law, one of the tests for whether a public authority is acting in good faith in a particular case is whether that authority, on having questions directed to it on matters within its sphere of competence in relation to that case, answers or does not answer those questions.
43. For the sake of ensuring that if I supplied Frau Seibt with material for her continuing series of videos on the climate question I should not be leading her into committing any breach of the law of Nordrhein-Westfalen or of the associated interstate treaty, in a letter of 9 May 2020 directed to Frau Charlotte Spönemann, one of the two clerks at the LFM who had co-signed the administrative act to Frau Seibt's detriment, I directed the following questions to the Authority:
  - a. If the videos that I propose to make with a citizen of your Land as the presenter are posted on that citizen's own YouTube channel and neither bear any branding nor make reference to any institution, entity or other legal person in which that citizen has any financial interest, in your opinion would such publication contravene the law of your Land, and, if so, what is the legal characterization of the putative offence?
  - b. If the videos are – as I expect them to be – widely picked up, branded and circulated worldwide by governmental and other institutions, entities or other legal persons outside Germany, in which nation I understand and deeply regret that freedom of speech is (yet again) *verboten*, particularly where the climate question is concerned, would the role of a citizen of your Land as the presenter of the videos render that citizen liable to action in your Land in respect of such videos adopted and branded by other legal persons outside Germany?
  - c. If videos presented by a citizen of your Land and posted on that citizen's YouTube channel are subsequently branded by any such government, institution, entity or other legal person and are broadcast only outside Germany, with a filter preventing their transmission in Germany and bearing a notice that the filter is in effect because free speech is no longer permitted there, does a citizen of your Land acting as the presenter of such branded videos contravene the law of your Land, and, if so, what is the legal characterization of the putative offence?
44. I received no reply to my letter of 9 May 2020.
45. Accordingly, I wrote again on 15 May to Frau Spönemann at the LFM, reminding her that I had had no reply to my original letter, and providing the following information:
  - a. That video 1 contained no reference to the Heartland Institute, wherefore it did not contravene the law [the LFM accepts that this is the case];
  - b. That video 2 mentioned the Heartland Institute but contained no policy prescriptions, wherefore it did not contravene the law;
  - c. That video 3 contained no reference to the Heartland Institute, wherefore it did not contravene the law.

46. On 18 May 2020, having still had no reply from the LFM to my questions designed to ensure that the videos by Frau Seibt to which she had invited me to contribute were in full compliance with the law and the related interstate treaty, I wrote to His Excellency the German Ambassador in London to invite him to act as follows:
- a. Please invite the Authority to reply promptly and properly to my letters and to answer my questions about its interpretation of the law, and inform the Authority that, in the absence of any reply, I shall take it that the Authority now accepts that Fräulein Seibt is entitled to mention any legal person or opinion she wishes in her videos, whether or not those persons or opinions are regarded by the *Gau* as “climate-friendly”.
  - b. Please pass on to the Authority this my freedom-of-information request for the names and addresses, ages and occupations of all members of the governing board and senior staff of the Authority, specifying all potential conflicts of interest that they may individually or collectively possess, such as corporate or personal membership or contacts with environmental or other suchlike activist groups.
  - c. Please pass on to the Authority this my freedom-of-information request for all its internal and external correspondence or conversations in relation to this affair.
  - d. Please draw the attention of the *Landesregierung* and of the *Bundeskanzlei* to this international scandal.
47. At the time of writing this witness statement, I have had no reply either from His Excellency or from the LFM.
48. This case has many similarities with a case in the United Kingdom in which I had written to the Inland Revenue Department to address to it certain questions intended to assist a corporation in correctly accounting for its tax liabilities. At court, the Inland Revenue Department complained that I had thus intervened. The court held that my questions were legitimate, that the Department was under an obligation *ex officio* to answer them, that it had not answered them, that it had then attempted to prosecute the corporation, that the prosecution was therefore dismissed, and that the Department should pay £100,000 costs.
49. The LFM took no steps to correct the obvious errors in its quasi-judicial administrative act. In respect of videos 2 and 3, it continues to demand large sums to which it knows it is not in the circumstances entitled. At United Kingdom law, the failure of a public authority to desist from unlawfully or improperly demanding substantial sums to which it is not in the circumstances entitled from a citizen under threat of imprisonment in default of payment constitutes the serious, imprisonable criminal offence of demanding money with menaces – i.e., blackmail at common law. It may also constitute the serious imprisonable offence of wilful misconduct in a public office.
50. The question whether the LFM has committed fraud also arises. At United Kingdom law there are two tests for the serious imprisonable offence of fraud: that the accused intended to deceive, and that the accused intended to gain or cause loss by the deception.
51. The LFM knew from my letters of 9, 15 and 18 May 2020 that none of videos 1-3 gave legitimate grounds for considering that Frau Seibt had committed any offence. Yet the LFM failed to withdraw or even to amend its quasi-judicial administrative act of 4 May 2020 in response to my letters. The LFM’s failure to amend or withdraw its administrative act was calculated to silence Frau Seibt by requiring her to take down videos 2 and 3, or to require her to pay 2400 euros in fines and costs, or to put her in prison.

52. The LFM's entire case for silencing a 19-year-old YouTuber whose opinions it characterizes both in its initial letter and in its quasi-judicial administrative act as not being "climate-friendly" is founded upon the two brief, truthful disclosures that the YouTuber is a member of the Heartland Institute in video 2, cited in full at paragraph 8 *supra*.
53. Numerous key aspects of the official case for concern about global warming are demonstrably fraudulent. Four specific examples of fraud, each calculated to make anthropogenic global warming appear to be more serious than it is, are now briefly described. Fuller explanations of the four examples are annexed and signed as relative hereto.
54. **Example 1:** Mr Obama Tweeted to the effect that "97% of scientists agree: global warming is real, manmade and dangerous" in response to news of a paper published in a learned journal in 2013 and claiming that 97.1% of 11,944 climate-related papers published in the 21 years 1991-2011 had stated explicitly that recent global warming was chiefly manmade. However, only 41 of the 11,944 papers, or 0.3%, had stated that recent global warming was chiefly manmade. The journal refused to publish any correction. Police investigated and concluded that a serious deception had occurred.
55. **Example 2:** In 2007 The Intergovernmental Panel on Climate Change published a graph of global temperature anomalies since 1950 in its *Fourth Assessment Report*. It adopted a dishonest statistical device by which four correctly-calculated trend-lines were superimposed on the spline-curve and the unjustifiable conclusion was drawn that the rate of global warming was accelerating and that we were to blame. A statistician confirmed the error and IPCC was notified under the error-reporting protocol imposed upon it by governments, but IPCC refused to correct the error.
56. **Example 3:** Climatology borrowed the mathematics of feedback from another branch of physics without understanding it, and incorrectly assumes in all its calculations that there is little or (usually) no feedback response to the heat from the Sun. That feedback response is incorrectly assumed to have arisen from greenhouse gases. Therefore, climatologists predict two or three times as much warming as is realistic. IPCC has been notified of this fundamental error by way of the error-reporting protocol, but has refused to acknowledge two communications to its secretariat reporting the error.
57. **Example 4:** Data at odds with the official viewpoint on climate change are often altered *ex post facto* with the effect of bringing the data into conformity with that viewpoint. In particular, one month after the U.S. Senate had held a hearing in which the chairman of the hearing showed a graph prepared by me showing that one of the two satellite global-temperature datasets showed that at the time no global warming had occurred for 18 years 9 months, the keepers of that dataset altered the data with the effect of replacing the zero trend over the period with a rising trend equivalent to almost 1.3 degrees per century.
58. Where a pattern of simultaneous unlawful behaviour on the part of two or more public authorities becomes evident, the question arises whether those authorities are colluding, or whether they are both acting at the instigation of politically-motivated outsiders such as the person or persons unknown whose names the LFM redacted without declaring that it had redacted them. On 23 May 2020, within three weeks of the issuance by the LFM of its quasi-judicial administrative act, the Europäisches Institut für Klima und Energie,

which, like the Heartland Institute, questions aspects of the official position on climate, telephoned to inform me that it had received a letter from the tax office to say that its most recent annual activity report had not mentioned any activities that qualified as charitable. However, EIKE's director tells me that the tax office, many years previously, had approved the Institute's constitution, which *inter alia* defined the charitable purposes for which it had been established, and that all of the activities of EIKE during the past year had been very similar to its activities in all previous years, all of which, he said, were explicitly defined in the constitution that the tax authorities had themselves approved.

59. To assist the Court in understanding the context within which the LFM and those behind it are moving to silence Frau Seibt, who has publicly and successfully argued for a position contrary to the official position on climate, the following evidence is offered.
60. My own experience, which accords with that of many other researchers in this field who have questioned the official position on legitimate scientific and economic grounds, is that those who become effective at publicly questioning that official position have been subjected to what has been in my long political experience an unprecedented campaign of character assassination and of downright falsehoods relentlessly recirculated among extremist lobby groups and journalists, together with attempts – often by universities, government entities and other once-respectable institutions – to silence us. Some examples will now be given.

**Example 1:** Professor Peter Ridd was dismissed from his post at an Australian university because he had offended against the official position on climate change to which most academics are nowadays expected to adhere, in that he had pointed out that several scientific papers falsely asserting that the Great Barrier Reef was being adversely affected by global warming contained suspect or duplicated data and images, or were at odds with what anyone could see by diving on the reef directly. The court found that he had been unjustly dismissed and ordered the university to pay him \$1.2 million in compensation,

**Example 2:** Professor Judith Curry had been chairman of the school of earth and atmospheric sciences at a university in the United States, but was forced to leave when colleagues who disagreed with her scepticism of the official position on climate made it impossible for her to continue at the university. She has told me this herself.

**Example 3:** When in 2006 I published a major article in a national newspaper in the United Kingdom pointing out that the extreme scientific claims that formed the official position on climate were not well founded in science, the then Foreign Secretary issued a statement to the effect that all who questioned the official position should be denied access to all news media. This is what the LFM, at the instigation of a person or persons unknown, is trying to do to Frau Seibt.

**Example 4:** Dr Tim Ball, a sceptical Canadian scientist, had publicly criticized a defective graph of the past 1000 years' global temperatures published by a scientist who supported the official position, on the ground that the graph was based on inappropriate manipulation of data that were in any event inadequate for their purpose. The author of the defective graph (which IPCC adopted and reproduced three times in one of its *Assessment Reports*) sued Dr Ball for libel and then, by various devices, prolonged the case for nine years before Dr Ball successfully moved for outright dismissal on the ground of his accuser's delays in supplying information that the court had ordered. The use of interminable court cases by supporters of the official position on climate to silence those who question it has now, regrettably, become commonplace. Many other such cases could be cited. The LFM's campaign against Frau Seibt appears to me to be another.

**Example 5:** When I was due to take part in a prime-time television debate on climate on an Australian national TV channel, supporters of the official position on climate contacted the Clerk of the Parliaments, the senior official in the House of Lords, and persuaded him to write and



publicize a letter to me stating that I am not a member of the House of Lords. The letter was published the day before the debate, in a manner calculated to undermine my position therein. During the debate, which was held at the National Press Club in Canberra, a journalist who supported the official position asked me to comment on the Clerk's letter. I produced my passport and required the chairman of the debate to read out who it said I was: "The holder is The Right Honourable Christopher Walter, Viscount Monckton of Brenchley." I complained to the Privileges Committee. The Clerk is no longer Clerk of the Parliaments. He has retired. I remain The Viscount Monckton of Brenchley. Therefore, the LFM's campaign against Frau Seibt is by no means the first such campaign improperly and unlawfully conducted by a public authority in defence of what the LFM calls the "climate-friendly" position.

61. On the following pages, by way of providing relevant context to the Court, the text of video 3 and details of the examples of apparently fraudulent behaviour on the part of official bodies or persons in support of the official position on climate change are given.

IN WITNESS WHEREOF I have set hereunto my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Viscount Monckton of Brenchley

## ANTI-GRETA or PRO-HUMAN?

*Full text of a YouTube video (video 3) by Frau Naomi Seibt, posted on Feb 16, 2020*

Manmade climate change has become a topic so unquestionable that everyone who dares to express even just a hint of scepticism is immediately labelled a "Climate Denier". And, out of all people, it is the ones who tend to call us "Nazis" who fail to realize that this is a truly disgusting way to mock the severity of the Holocaust. I personally prefer the term "Climate Realist". [Applause]

But why should you, in the context of such a profound and scientific topic, listen to some girl with long blonde hair giving a speech? And – yes, exactly – this question, "Why are you listening to a young girl?", is the same question that I ask the people who go out and protest for Fridays for Future every single week, as Greta-worshippers. And this is why I ask you not to believe every word I say unconditionally, but to give me a chance to speak, to listen carefully, and then to continue doing your research and form your own opinion on the climate change situation and any other political topic. I can be wrong sometimes. Don't create an ideology out of what a young girl has to say, regardless of the political side she's on.

All the predictions that the IPCC, which you have probably heard of before, has published since 1990 have not been supported by the empirical evidence. In the last couple of decades global warming has been way less severe than initially foretold by the IPCC. They claimed that we would have to expect a third of a degree of global warming per decade. Well, that prediction failed, so they are now calling it "Climate Change" instead of "Global Warming". On top of that, they overestimated the magnitude of global warming even despite the fact that CO<sub>2</sub> emissions have been increasing more than anticipated by the IPCC – which shows us just how successful all those political "Climate Conferences" with their CO<sub>2</sub> reduction goals have been in recent years.

Moreover, all hypotheses that the IPCC has put out there are entirely based on climate models. So this means that they come up with lots of climate-related variables that they think will have an effect on global warming. But in reality those variables cannot possibly describe climate processes accurately, because the climate is way too complex to be depicted by a computer model. We have to consider so many factors, such as the makeup of the Earth's surface, feedback responses, from water in all of its

aggregate phases, mechanisms in the atmosphere – and what about the Sun? Has anyone considered the immense impact that the Sun has on the climate in comparison to manmade CO<sub>2</sub> emissions?

The IPCC's climate models predict that you get a warming effect of 4.1 degrees per doubling of CO<sub>2</sub> concentration in the atmosphere. However, when we apply the reverse calculation with real temperature data since 1850, we will find that CO<sub>2</sub> emissions only account for 1.4 degrees of actual extra warming. So that means that those climate models are calculating with amplifying factors that artificially inflate the global warming prognoses. But what is so dangerous about all of this is that we are now doing real politics with this fictional science – and that does not work. [Applause]

Man overestimates his power if he thinks that his plastic straw could have any significant effect at all on the climate. Furthermore, it is incredibly primitive to confuse “climate “ with “weather” in the same breath, which is what most people do. This overestimation of Man's power leads to a hysterical implementation of climate policies and we must not tolerate such an impulsive reaction because the consequences for our society will be detrimental. We know that.

The scientific scepticism of climate alarmists fails in the face of even the most simple questions: What is the ideal global mean surface temperature for the Earth? [Applause]. Has anyone ever given you an answer to that question? And if not, that means that we don't even have any kind of foundation upon which we can base an evaluation of the repercussions of global warming. Perhaps global warming isn't even that detrimental. But as long as we don't answer simple questions, we cannot tolerate impulsive political reactions. [Applause]

And this is exactly what becomes evident: it is not about science. It is all about politics. It is about the suppression of scepticism. It is about the suppression of free science and free speech, and that's why we have to fight back. [Applause]

And they all worship Greta, a young and innocent, but als an utterly immature and uneducated girl who is being shamelessly taken advantage of for the perfidious agenda of climate hysteria. And this is why I want to make this very clear: I am not the anti-Greta. Because that is exactly the label that those protesters outside want me to embrace, so that they have another scapegoat whom they can put in a simple box with the rest of their adversaries.

The message that I want to send out is way more than “Anti-Greta”. I am not “Anti-Greta”. I don't force anyone to give up their dogmas about climate change. I want us to havew more opportunities for discussion. I want us to listen to one another. And I want us to be allowed to be scientific sceptics. [Applause]

Instead, by misrepresenting us in the media, chanting malicious slogans to defame us and prohibiting us from making public appearances, they want to strip us of every opportunity to speak up, because our words and free thoughts are a threat to those whose world-views are no more than an ideological complex on shaky foundations. [Applause]

No, I am not “Anti-Greta”, and we are not “Climate Deniers”. We must not let anyone degrade us and make us members of the controlled opposition. For we have our own positive ambitions, ideas and qualities. We are not “Anti-Nature”, but “Pro-Science, “Pro-Innovation”, “Pro-Sensible Environemtnal Policies”; and, most importantly, we are “Pro-Human”. [Applause]

The true Anti attitude belongs to the enemies of reason – the proponents of anti-humanism. [Applause] We are not parasites on the planet. For hundreds of years we have been exploring, researching, inventing and building for a healthier, better and freer society. We must not put ourselves into a tight strait-jacket of overtaxation. We must not deny to ourselves, nor to the people from very poor third-world countries, access to cheap and reliable energy. We must not take away the young generation's hope for a good future and drive them into an eco-depression. [Applause]

So please do not leave this event with a profound rage against Greta or the protesters or even the media who might want to depict us as Climate Deniers or radical right-wing egoists. It's time we put an end to this depressing “Anti” attitude. Rage and panic belong to our opponents. [Applause]

My last words to you: I don't want you to panic. I want you to think. [Standing ovation]

*This document is relative to my witness statement dated \_\_\_\_\_*

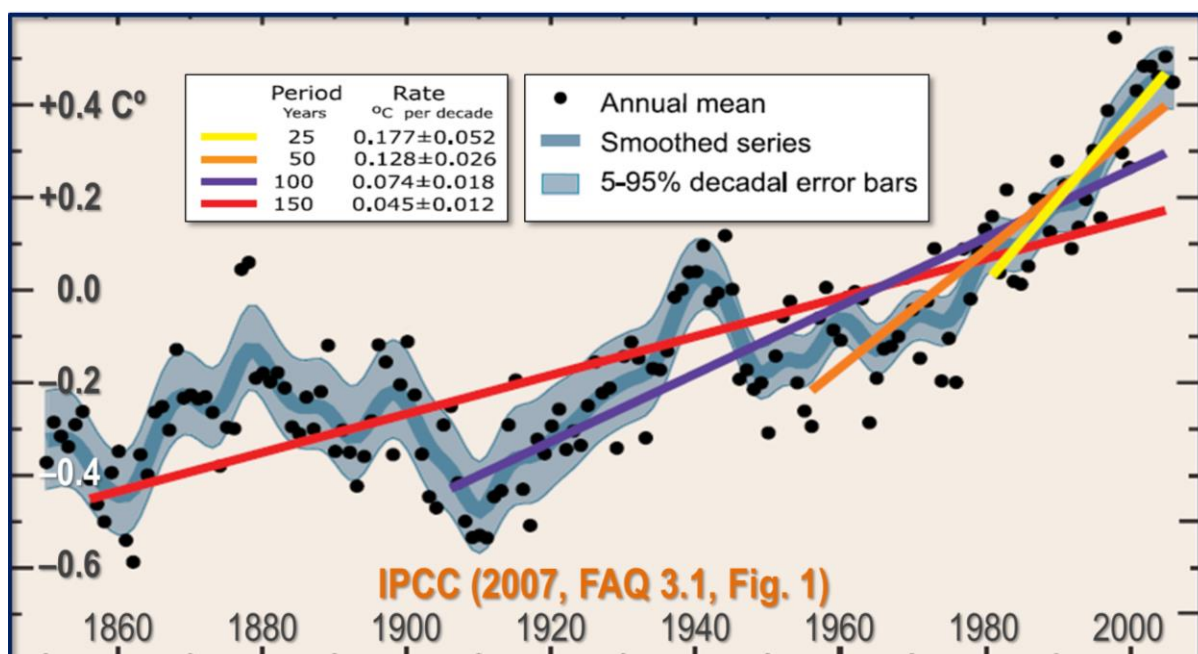
## FOUR EXAMPLES OF FRAUDULENT CONDUCT BY SUPPORTERS OF THE OFFICIAL POSITION ON CLIMATE

### Example 1: turning a 0.3% consensus into a 97.1% consensus

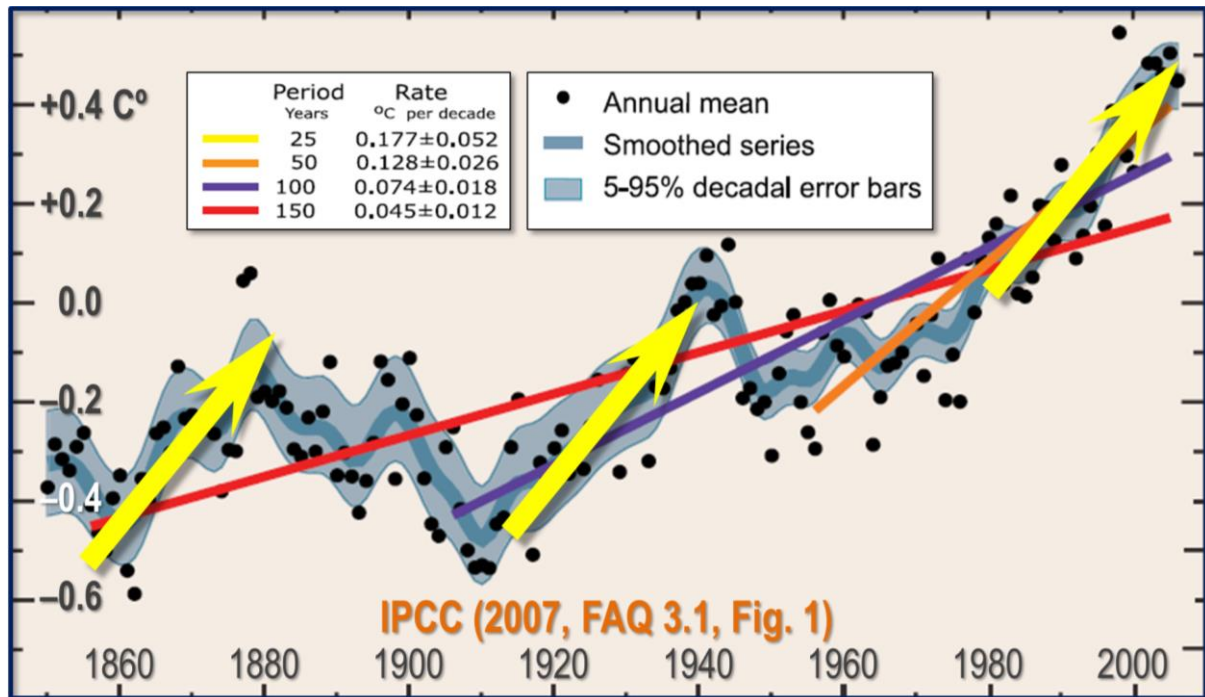
Cook et al. (2013), in a paper published in *Environmental Research Letters*, stated that of 11,944 peer-reviewed papers related to climate published in the learned scientific journals over the 21 years 1991-2011 some 97.1% had explicitly stated that most of the global warming of recent decades was anthropogenic. However, examination of Cook's list of all 11,944 papers by Legates et al. (2013), published in *Education and Science*, established that Cook and his co-workers had themselves marked on the list only 64 (or 0.5%) of the 11,944 papers as stating that recent global warming was chiefly anthropogenic. Legates et al. (I was a co-author) read all 64 papers and found that only 41 of them (or 0.3%) had stated that recent global warming was chiefly anthropogenic. A citizen of Queensland, where Cook was then a faculty member, reported the fraud to the Queensland police, which concluded that a deception had indeed occurred. There was no prosecution on the stated ground that it was impossible to quantify the extent of the losses occasioned to taxpayers by the belief on the part of governments that there was a scientific consensus on global warming that does not exist. Argument from consensus is a conflation of two Aristotelian logical fallacies – the *argumentum ad populum* and the *argumentum ad verecundiam*. The consensus proposition as stated by Cook and also in the documents of the Intergovernmental Panel on Climate Change (IPCC) does not even state that global warming is or may become net-harmful: it says no more than that most of it since about 1950 was anthropogenic – and even that proposition is sufficiently contentious that it very, very seldom passes peer review.

### Example 2: statistical manipulation to suggest accelerated warming

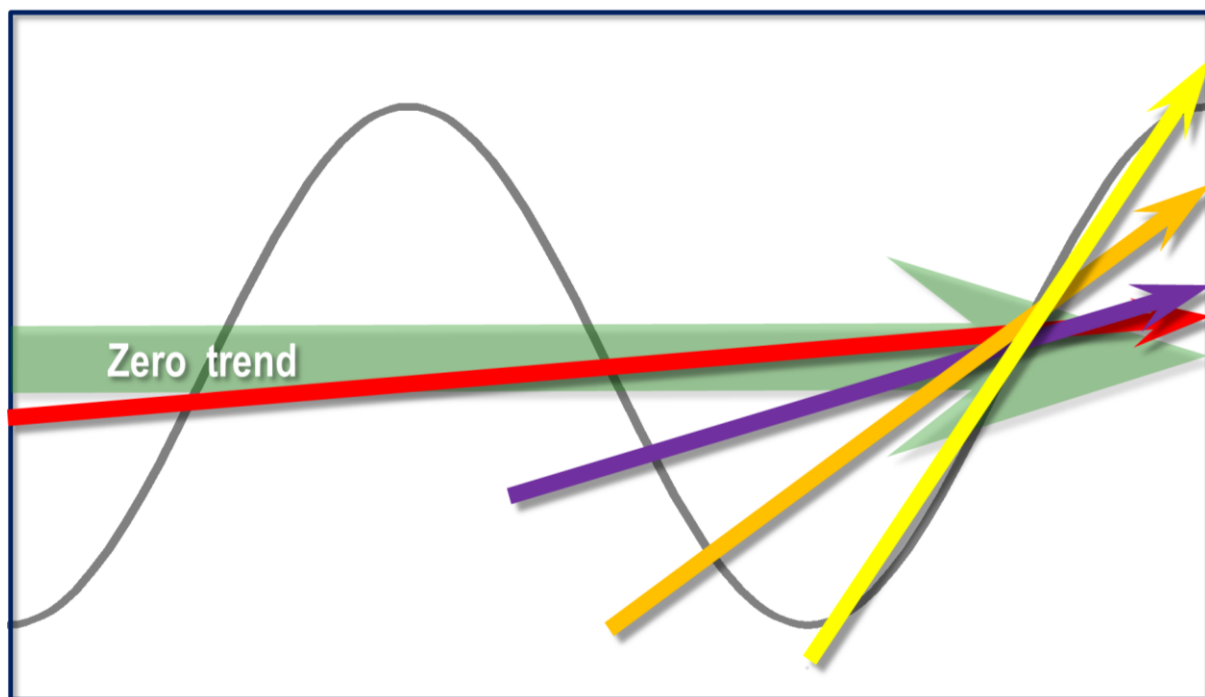
IPCC (2007) published a graph of the evolution of global temperature from 1850 to 2005. On the graph, reproduced below, four least-squares linear-regression trend-lines had been added, commencing respectively 150, 100, 50 and 25 years before 2005 and ending in that year. Each of the trend-lines is correctly placed, but the caption states, falsely, that the fact that the trend-lines become progressively steeper as their start-dates come closer to the present indicates that the rate at which the world is warming is accelerating, and that we are to blame.



The addition of multiple trend-lines to the spline-curve of an underlying stochastic dataset with the aim of drawing a false conclusion such as that of the IPCC is a well-known device used by fraudsters in the financial services industries, for instance. It is easy to demonstrate from IPCC's graph why this technique is dishonest. If two more yellow trend-lines, both correctly calculated and positioned are added, it becomes apparent that in two earlier periods least-squares trend was much the same as in the most recent period.



A sine-wave has a zero trend by definition, as the graph below demonstrates. However, four carefully-chosen and then correctly-calculated trend-lines can be placed so as falsely to suggest that the sine-wave has an ever-more-rapidly accelerating trend.





To verify that I had understood the statistics correctly, I arranged for a Parliamentary Question to be asked about IPCC's unsound graph in the House of Lords. The Minister answered to the effect that the conclusion drawn by IPCC was incorrect, but that mere facts would not alter HM Government's commitment to shutting down CO<sub>2</sub>-intensive industries.

I also consulted Sir David Spiegelhalter, Professor of the Public Understanding of Risk in the University of Cambridge, my *Alma Mater*. I did not show the graph to Professor Spiegelhalter. I anonymized and tabulated the underlying data and sent him some questions designed to allow him to express an opinion on whether conclusions as to whether a stochastic dataset could be said to exhibit an accelerating trend could legitimately be drawn by such a method. Sir David, however, wrote back to say that he had deduced that the data were related to the climate question. Therefore, he declined to provide answers. His reply was written in such a way as to suggest that he feared the disapproval of his colleagues if he told the truth: for all viewpoints contrary to the official viewpoint on the climate question have long been most unwelcome in universities worldwide, for they have profited greatly by grants to investigate what is not really a problem at all.

Accordingly, I contacted the late Professor Robert Carter, an internationally-renowned geologist who, together with Professor Richard Lindzen of the Massachusetts Institute of Technology, had submitted in their names written testimony drafted by me in the 2007 London High Court case that had found that Al Gore's movie *An Inconvenient Truth* to contain numerous grave scientific inaccuracies. The court concluded: "The Armageddon scenario that he [Gore] depicts is not based on any scientific view."

Professor Carter handed my anonymized data to a statistician, who replied that my understanding as presented above was correct: the technique of superimposing multiple trend-lines on a graph and concluding from their relative slopes that the underlying trend of a stochastic dataset was accelerating was a well-known abuse of statistics used by fraudsters.

Nevertheless, the journal *Nature*, which, like other scientific journals, has a policy of refusing to consider, let alone to publish, any scientific papers – however well founded – casting doubt upon the profitable official position, and has recently rejected a pre-submission request by me to send in a paper demonstrating why models predict twice or thrice as much warming as is occurring or likely to occur, devoted an entire editorial to praising IPCC's defective graph.

I reported IPCC's defective graph to one of the lead authors of the 2007 *Third Assessment Report*, in which the graph had appeared not once but twice. He declined to have the error corrected. I submitted a written report to the IPCC Secretariat requesting correction, in accordance with the error-correction protocol that the Inter-Academies Council had imposed upon the IPCC when member governments had become concerned as a result of its having refused to heed advice from its expert reviewers that its statement that all the ice in the Himalayas would be gone by 2035 was false. IPCC acknowledged receipt of my report, but eventually refused either to make any correction or to maintain that its text had been correct.

Subsequently, the University of East Anglia, where the global-temperature dataset used by IPCC for its graph is kept, revised the underlying dataset with the effect of increasing the slope of the least-squares trend on the data for 1980-2005 and greatly reducing the slopes of the least-squares trends on the data for the two previous periods that had formerly shown a near-identical slope. Here and on many other occasions concerning global warming, whenever a dataset shows results that counter the official position on global warming and those results attract publicity the data are quietly revised *ex post facto* with the effect of neutralizing or cancelling those results.

### **Example 3: Refusal to correct erroneous definition of ‘climate feedback’**

As noted earlier, climatology incorrectly defines temperature feedback and consequently neglects to take due account of the fact that the Sun is shining and thus attributes the feedback response to the Sun’s warmth to greenhouse gases, thereby approximately doubling or tripling the true warming to be expected, which – after correction of the error – will be small, slow, harmless and net-beneficial. When my eminent and learned colleagues and I recently submitted to a scientific journal a paper describing and quantifying the error, the two reviewers both failed even to mention the central argument in the paper. Instead, they used on inconsequential ancillary matters as a pretext for rejecting the paper. I wrote inviting the editor to examine the reviewers’ comments and our very detailed responses, and to give his opinion. He replied that we had answered all of the reviewers’ points to his complete satisfaction, and that there was no error in the paper, but that his fellow-editors would not countenance publication for fear of cutting off the very substantial income-stream that the apparent global-warming “emergency” brings.

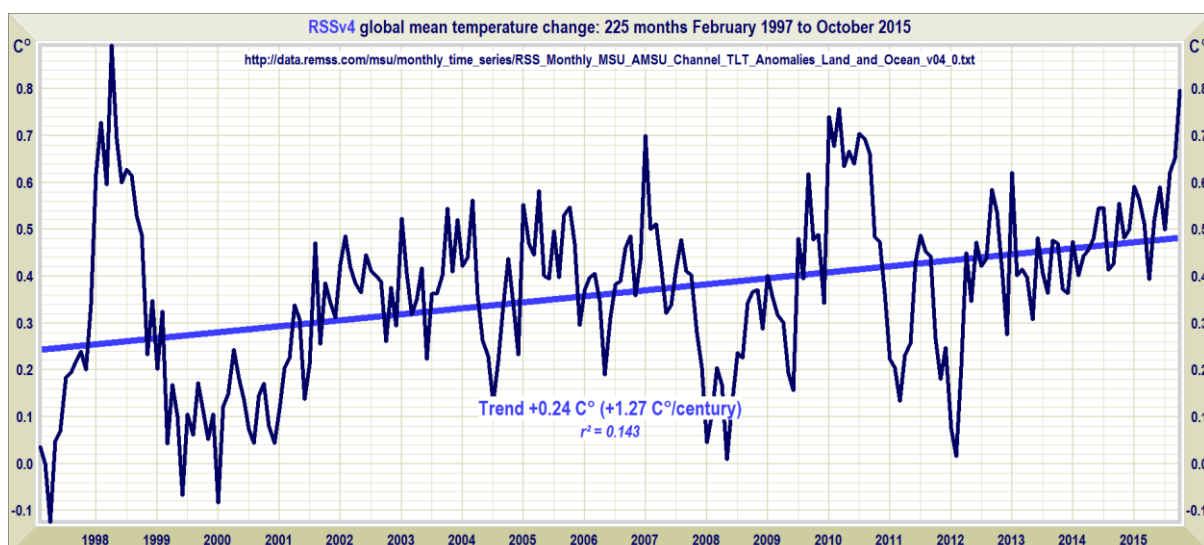
I wrote again to ask whether the editor would mind if I passed his comments to the climate-change fraud division at Interpol, which was originally established to investigate large-scale financial frauds related to the artificial market in “carbon credits” and is now looking more carefully at the question whether the entire basis for concern about global warming is fraudulent, he replied that it was high time this fraud was properly investigated, and he was happy to have his remarks about our paper passed to the investigating authorities at Interpol. I also wrote to IPCC reporting that its definition of “climate feedback” on p. 1450 of its *Fifth Assessment Report* was erroneous, and requesting a correction in accordance with the error-reporting protocol. I sent the letter twice, but received no reply on both occasions. Worse, IPCC is about to use the same erroneous definition, taking no account of the large feedback response to the Sun’s heat, in its forthcoming *Sixth Assessment Report*.

#### Example 4: Alteration of inconvenient data *ex post facto*

Measured, real-world data that do not accord with the predictions of the climate models are often altered *ex post facto* to bring the facts into line with the predictions. For instance, in November 2015 the United States Senate held a committee hearing on climate change under the leadership of Senator Ted Cruz. I was invited to submit a single graph that would best encapsulate the scientifically sceptical argument against the official position. The graph I submitted, which was displayed by Senator Cruz at the hearing, is below.



At the time, I predicted that as a result of the exposure of this graph, which was widely published following the Senate hearing, the keepers of the RSS dataset, who describe those who question the official position on climate as “deniers”, would alter the past data in a so as to change the trend over the period from a zero trend to a rising trend. Sure enough, the following month the past data were extensively revised, so that the new graph, shown below, no longer indicates a zero trend but instead indicates a trend equivalent to almost 1.3 degrees per century. The extent to which concern about global warming is based on such *ex-post-facto* revisions to inconvenient data is not generally appreciated.



This document is relative to my witness statement dated \_\_\_\_\_