

Witness: Christopher Monckton
Number: 1
For: Claimant
Dated: 22 August 2007

IN THE HIGH COURT OF JUSTICE

Claim No. CO/3615/2007

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

B E T W E E N

STUART ANDREW DIMMOCK

Claimant

-and-

**THE SECRETARY OF STATE FOR
EDUCATION AND SKILLS**

Defendant

**WITNESS STATEMENT OF
CHRISTOPHER MONCKTON**

I, CHRISTOPHER WALTER MONCKTON, commonly known as The Viscount Monckton of Brenchley, Peer of the Realm, of Carie, Rannoch, PH17 2QJ, will say as follows:

1. I make this report on behalf of the Claimant in relation to his claim for judicial review of the decision by the Secretary of State for Education and Skills to distribute to every secondary school in England a DVD copy of the film *An Inconvenient Truth* ("the Film") along with a "pack which contains four short films made by the Department for Environment, Food and Rural Affairs ("Defra"). I have been instructed to prepare this report to address the question of whether the

decision to provide schools with this material was an appropriate one given the statutory prohibition against the promotion of partisan political views in schools, and in response to the witness statement of Ms Julie Bramman.

My background as education policy adviser to the Government

2. I have a particular expertise in the development and implementation of government educational policy.

3. From 1982 to 1986, I was a Special Adviser to Prime Minister Margaret Thatcher in her Policy Unit at 10 Downing Street (“the Policy Unit”). The Policy Unit consisted of six members chosen personally by the Prime Minister. Each member had responsibility for several government departments. The Policy Unit supported the Prime Minister in developing policies to help the Government achieve its known objectives. We developed policies internally and also advised on policies that were emerging elsewhere. Policy ideas from Ministers were initially reviewed by the Policy Unit before being presented in Cabinet.

4. I joined the Policy Unit from the Forward Strategy Group of the Centre for Policy Studies, a think-tank established by Margaret Thatcher when she was leader of the Opposition in the mid-1970s. I was Secretary of the Forward Strategy Group. Weekly Group meetings were attended by a representative from the Policy Unit, and very often the representative was John Hoskyns, the head of the Policy Unit with the rank of Second Permanent Secretary within the Civil Service. He was pleased with one particular policy document I produced concerning the workings of the Civil Service, and I was invited to join the Policy Unit in September 1982, just after the end of the Falklands war.

5. I took responsibility for the education portfolio in the Policy Unit from Oliver Letwin in 1984 and I continued in that role until 1986. It was during this time that the Government began to consider the question whether there should be legislation to protect schoolchildren from political indoctrination.

6. As an example, the Education Secretaries of the time, including Sir Keith Joseph, considered that there was an inbuilt prejudice in the educational, academic and civil service establishment against free-market economics, free enterprise and the free political system of the industrial West. Sir Keith attempted to insert a short course in business studies in the core curriculum by way of a corrective against what he saw as this ingrained anti-enterprise bias.
7. Ministers regarded it as crucial that pupils at school, whose youth, idealism and inexperience render them particularly vulnerable to indoctrination, should not be subjected to political propaganda calculated to influence them towards or against a particular political viewpoint.
8. While the common sense of pupils could often be counted upon to see through crude or blatant attempts at indoctrination, the Government was especially concerned at reports of a growing number of incidents of subtle propaganda.
9. An instance involving a scientific issue was the decision of several governments around the world, from the late 1960s onward, to ban the use of DDT for interior spraying of houses in malarial regions, because a handful of scientific studies suggested that it might cause cancer in humans and thinning of the eggshells of rare game birds, when the scientific consensus, confirmed by direct experiment, was that DDT was safe enough for humans to eat, and that it would cause no harm to birds if its use was confined to interior spraying of houses.
10. At the time when I was in the Policy Unit, it was being widely taught in school science classes that DDT, though its inventor had won a Nobel Prize, had been a dangerous tool of Western economic imperialism, and that it had been rightly banned on environmental grounds.

11. As a result of the worldwide ban on the use of DDT for interior spraying against the *anopheles* mosquito, DDT was replaced by the chemical Parathion, which, unlike DDT, was highly toxic to humans but was generally ineffective against the *anopheles* mosquito. In consequence, the global annual mortality from malaria rapidly rose 20-fold, from 50,000 deaths per year to approximately 1 million.
12. Yet this central fact – the suffering and death of tens of millions of the world’s poorest and most vulnerable people as a result of the ban on the use of DDT – was not being taught in our schools. It was being withheld from pupils, thousands of whom were in consequence fatally misled, leading to the prolongation of this misguided policy long after it might otherwise have been abandoned.
13. This episode illustrates two considerations which are in my opinion, relevant to the present issue. First, it is essential that those responsible for teaching the sciences in schools should be well informed of all aspects of a given scientific question, particularly if it has a political dimension, and they should be willing to make pupils aware of both sides of the question even if there is a political or scientific consensus (the two are not always coincident) on one side only.
14. Secondly, those responsible for education of schoolchildren must resist pressures from vested-interest groups which might not be inclined to provide a full and objective picture to their audience.

Political Indoctrination

15. In 1985 and 1986, Ministers within the Department for Education and their advisors, including me, devoted considerable thought to the question of how to distinguish between legitimate and impartial discussion of political topics, on the one hand, and biased, enforced or dishonest political indoctrination, on the other. Leading researchers in this field with whom I worked at the time included Malcolm Pearson, now Lord Pearson of Rannoch, and Caroline Cox, now Baroness Cox. Their efforts culminated in the provisions of the Education (No.2) Act 1986

prohibiting political indoctrination of schoolchildren; those same provisions are now found in the Education Act 1996.

16. The development of the relevant sections of the Acts can be charted through the Parliamentary debates in both the House of Commons and the House of Lords through the 1985-1986 session.
17. In our deliberations, we recognised that it would not be appropriate to ban legitimate discussion of political topics at school. Pupils who were leaving school at 16 would have the vote only two years afterwards, and we thought it right to take care not to interfere with their opportunity to learn the enjoyment, and the responsibility, of participating in political discussions. To some extent, therefore, I concur with Julie Bramman of the Department for Education and Skills, whose witness statement on behalf of the Secretary of State I have read, when she says that mere classroom discussion of material with a political content or slant does not necessarily constitute political indoctrination.
18. However I can say that when preparing the ground for what became the legislative bar on political indoctrination in schools, certain touchstones were considered relevant in determining the borderline between legitimate classroom discussion of political topics and “political indoctrination”:
 1. **The prejudice test:** That the form or content of the presentation is in substance one-sided or the facts exaggerated so as to point chiefly or wholly in one political direction, or the selection of facts is unduly partial or materially incomplete, and insufficient balancing material or argument is presented; or
 2. **The compulsion test:** That the form or content of the presentation constitutes compulsion of the pupils exposed to it, whether by direct threat or by unreasonable or unjustifiable inducement of a state of fear or by indirect menaces such as the unreasonable or unjustifiable application or incitement of peer-pressure; or

3. **The deception test:** That the form or content of the presentation constitutes a deception of, or is likely to deceive, the pupils exposed to it, by misleading them materially as to the historical or scientific facts, or by appealing to the authority of sources which, however eminent in other fields, are not in fact authorities on the subject under discussion.
19. Ministers' overriding objective was that the educational system itself should not attempt to transmit a particular political viewpoint, in any direction, on any subject, to pupils. The proposals enacted in 1986 were designed to ensure that a line was drawn between political discussion, which was lawful as long as it was balanced, and political indoctrination, which involved the use of prejudice, compulsion or deception to promote or even to glorify a particular political viewpoint, or to heap peer-pressure-inflaming scorn on a less fashionable viewpoint, or both.
20. Ministers, however, rightly did not consider it appropriate to attempt to substitute Talmudic legislative prescription for judicial discretion by attempting to define these three tests specifically in the law. Instead, they adopted the *Agapeseis* approach, which I had recommended in this as in other fields: namely, to declare a general principle in very clear and very simple terms in the statute and then to leave the application of that principle in individual cases to the good judgment and common sense of the courts.

The Film

21. I have viewed the Film which is the subject matter of this application for judicial review, along with a series of short films from Defra. I have watched the Film several times and have also read the script of the Film.
22. The Film has a duration of 93 minutes and is written and presented by the well known US politician, businessman and environmentalist, Mr Albert Arnold Gore Jr (better known as "Al Gore"), who was from 1993 to 2001 the Democrat Vice-

President of the United States during the presidency of Bill Clinton, and the unsuccessful Democratic candidate for president in the 2000 election.

23. The Film is a lecture about climate change with PowerPoint slides, given in an auditorium before an invited audience. Scenes from the lecture are intercut with episodes from the presenter's life and career.

24. I note that the Film may be divided into 6 segments:

- a. An introductory segment explaining the presenter's thesis on climate change.
- b. A segment considering how global warming has already impacted on the environment.
- c. A segment which sets out to prove that global warming is attributable to carbon emissions.
- d. A segment considering contemporary weather patterns and events, attributing them to global warming.
- e. A segment considering the theoretical impact of global warming on the Gulf Stream, the ocean conveyor, and the risks of a rise in sea levels from global warming.
- f. A concluding segment where the presenter seeks to identify three factors that have led to the overall dilemma, and identifies three misconceptions that might prevent people taking the action which the presenter recommends.

25. I shall now describe these segments in a little more detail.

a. Introduction

26. The early segments of the Film cover the foundation of the environmental movement; the basic science of global warming through the absorption or scattering of outgoing longwave radiation by greenhouse gases; the anthropogenic (i.e. man-made) rise in carbon dioxide levels, fluctuating with the seasons.

b. The impact of global warming to date

27. This introduction is followed by a substantial section on the impacts of anthropogenic “global warming”, beginning with the disappearance of the snows of Kilimanjaro and the melting or ablation of many other glaciers.

c. Carbon emissions: the cause

28. This section is interrupted by a display and discussion of the graphs of global temperature and mean atmospheric carbon dioxide concentration over the past 650,000 years, as inferred by gas analysis of air trapped in falling snow in the Antarctic and eventually locked into the Polar ice. The presenter shows that the two graphs appear to move up and down together as the ice ages come and go, suggesting a link between them. The presenter says:

“The relationship is very complicated. But there is one relationship that is more powerful than all the others and it is this. When there is more carbon dioxide, the temperature gets warmer, because it traps more heat from the sun inside. In the parts of the United States that contain the modern cities of Cleveland, Detroit, New York in the northern tier, this is the difference between a nice day and having a mile of ice over your head.”

29. The presenter then says that carbon dioxide, in all those 650,000 years, never exceeded 300 parts per million (presumably this means an atmospheric concentration of 300 parts per million by volume), but he shows that the concentration is now considerably in excess of where it has been so far as records have been kept, and is likely to continue to rise. The presenter says:

“There’s not a single fact or day or number that’s been used to make this up that is in any controversy. The so-called skeptics look at this and say, ‘So, that seems, perfectly okay.’ Well, again, if on the temperature side, if this much on the cold side is a mile of ice over our heads, what would that much on the warmer side be?”

30. He then mounts a platform which rises above the stage to follow the projected rise in CO₂ levels over the next 50 years.

d. Contemporary impact

31. The next segment considers a number of contemporary weather patterns and attributes those to climate change and anthropogenic global warming: the presenter says that the ten hottest years measured in the 150-year atmospheric record had all occurred in the previous 14 years. The presenter mentions the 2005 heatwave that killed 35,000 people in Europe. The presenter then considers tropical storms, in which the presenter says that when the oceans get warmer, storms get stronger. Recent hurricanes, including Katrina, are mentioned and illustrated with news footage. The presenter says:

“And one question that we, as a people, need to decide is how we react when we hear warnings from the leading scientists in the world.”

32. The presenter adds that, as a result of global warming, weather-related insurance losses are rising, and he lists recent extreme-weather events. He then turns to the Arctic, and describes the cracking of an ice shelf, the thawing of permafrost, the shortening of the Arctic winter, the thinning of the Arctic ice-cap and the transport of heat from the Equator to the poles, making them particularly vulnerable to increases in global temperature.
33. The presenter then considers the impact of global warming on the Gulf Stream and the ocean conveyor. Other impacts attributed by the presenter to “global warming”

are changes in wildlife habitats; spread of infectious diseases and emergence of new diseases; and bleaching of coral reefs.

e. Rising sea levels

34. The following segment is on the break-up of ice shelves along the Antarctic peninsula, particularly the recent disintegration of the Larsen B ice shelf. He discusses the land-based ice of West Antarctica and says that, if this or the Greenland ice shelf were to melt, sea level worldwide would rise by 20 feet, inundating Florida, San Francisco Bay, the Netherlands, Peking, Shanghai, Calcutta, East Bangladesh and Manhattan, displacing more than 100 million people.

f. Conclusion

35. This is followed by segments on the exponential increase in Third World population; the responsibility of the West for higher per-capita carbon emissions than the rest; and our failure to become alert to the danger, as though we were a frog in slowly-boiling water, not noticing the heat until it is too late.
36. The presenter then identified “Three Misconceptions”, and says that there is a consensus among scientists that the problem is real, and quotes an essay published in *Science* in 2004 in which not one of 928 abstracts of peer-reviewed papers on the subject of global climate change opposed the consensus; that we are not forced to choose between the economy and the environment, because if we wreck the environment we wreck the economy; and that the problem is not too big to do anything about. He suggests that, with more efficient electrical appliances and cars, renewable technology and carbon capture, we can “remove global warming pollution”.
37. The presenter concludes by saying that this is a moral problem and that the world must rise to the occasion and meet it.

38. The central hypothesis advanced by the presenter is that anthropogenic global warming, if unchecked, will cause a series of catastrophes, including very high temperatures; a rise in sea level by 20 feet, threatening existing coastal populations; the spread of malaria and other infections; floods; droughts; storms; and extinctions, and that the unanimous consensus of scientific opinion supports this hypothesis.
39. To illustrate this hypothesis, the presenter shows scenes of destruction caused by hurricanes; maps demonstrating the spread of the oceans over the land in various coastal regions; cartoons to explain some of the science in simple terms; and electronically-displayed charts and graphs from unspecified sources.
40. I understand that there is now no issue but that the Film is attempting to convey a political message. As I understand matters, the only issue is whether the Film should or can lawfully be shown in schools in such a way that it does not promote a partisan political view.
41. I note that the following elements in the Film are essential to the message it seeks to convey:
 - a. That global warming is attributable to man's actions and in particular carbon emissions. The evidence that the Film offers to prove this is the graph tracking carbon dioxide concentration in the atmosphere and global temperatures.
 - b. That global warming has already had an impact on the environment and that this evidence is apparent to observers.
 - c. That if left unchecked the future environmental impact will be catastrophic.
42. My understanding of the Film is such that, without all three of these elements, the Film's message is lost.

The Evidence

43. I have read the statement of Professor Robert Carter, for Mr. Dimmock, and the statements of Dr Peter Stott and Julie Bramman, for the Secretary of State. I have also read the second witness statement of Professor Carter which has been provided to me in draft form. It appears to me that there is a considerable degree of common ground between the witnesses as to the scientific accuracy of the Film either because Dr Stott accepts Professor Carter's criticisms or because he does not challenge them.
44. Ms Bramman also appears to accept that the Film carries a political message and promotes a partisan political view; nevertheless she defends its deployment on the basis that the way in which it will be shown, and the clarification given in the Guidance Notes is sufficient to prevent any promotion of partisan political views in the classroom itself.
45. I shall therefore now address the scientific accuracy of the Film (along with the Guidance Notes) based on the consensus between the two experts and, as I do so, consider whether Ms Bramman's response is rational when seen against this background.

The Scientific Accuracy of the Film and the Guidance Notes

46. Professor Carter's principal criticism of the Film is that, in important respects, it gives the viewer the impression that it is advancing premises that are either unchallenged or challenged only by a minority of credible experts in the field.
47. Professor Carter says that this impression is false in that three of the arguments that are central to the Film's presentation are substantially and materially at odds with generally accepted aspects of current international scientific opinion on climate change. I shall consider each of these aspects in turn.

The Underlying Cause of Global Warming

48. The presenter implies that, in the coming and going of the past four ice ages, over 650,000 years, changes in atmospheric concentration precede and, by implication, cause parallel changes in global atmospheric temperature. He says:

“The relationship [between CO₂ and temperature in the palaeoclimate] is very complicated. But there is one relationship that is more powerful than all the others and it is this. When there is more carbon dioxide, the temperature gets warmer, because it traps more heat from the sun inside [the atmosphere].”

49. Professor Carter comments at paragraph 30(a) of his statement as follows:

“In actuality, the data indicate that the opposite is the case, with temperature change preceding CO₂ change.”

50. Dr Stott, at paragraph 18 of his statement, concedes:

“For much of the past 650,000 years, it would appear that the initial driver was temperature, with induced changes in carbon dioxide ... It is probably right to say that scene 9 of the Film represents somewhat of a simplification of this picture.”

51. Ms Bramman, in her statement on behalf of the Secretary of State (see paragraph 25), confirms this concession:

“[Dr. Stott] accepts that this graph does not, on its own, show that carbon dioxide emissions cause global temperature to increase.”

52. I therefore understand that the sequence of events described by the presenter, *“When there is more carbon dioxide, the temperature gets warmer ...”*, is conceded to be inaccurate as far as the palaeoclimate is concerned (except insofar as rising temperature induces a positive feedback leading to outgassing of CO₂ previously carried in the oceans).

53. It therefore appears to me that Dr Stott is, in effect, conceding that, in this segment of the Film, the presenter has misled his audience on a fundamental scientific matter. I say “fundamental” because the presenter, at this point, is inviting his audience to believe that the difference of just 100 parts per million by volume of CO₂ between the atmospheric concentrations of CO₂ in past ice ages and those of the temperature peaks of the interglacial periods was sufficient to increase temperatures by 6 degrees Celsius and remove “a mile of ice over your head”. The implication, reinforced by the presenter following the CO₂ graph towards the roof of the auditorium on a self-elevating platform, is that as little as 100 ppmv of carbon dioxide was the cause of the glacial-to-interglacial temperature increases of 6 degrees Celsius. However, I note from paragraph 22 of Professor Carter’s second witness statement that the central estimate of the UN, given in its Fourth Assessment Report, published in 2007, is that an additional 300 ppmv of CO₂ – a doubling compared with pre-industrial concentrations – will increase temperature by just 3 degrees Celsius and that even this figure is likely to be significantly overstated, according to recent reports.
54. In short, as a former policy adviser on education, I should be very concerned that the Film’s central proposition, namely that the climatic effects of unchecked anthropogenic increases in CO₂ concentration will induce temperature increases sufficiently to cause a range of catastrophic and life-threatening effects, is bolstered by a misstatement of the sequence of events in the palaeoclimate which has the consequence of overstating sixfold the temperature increase which the scientific consensus as reflected in the UN’s 2007 climate assessment expects from a given increase in atmospheric carbon dioxide concentration.
55. I also note that this segment of the Film is the only evidence offered to make good one element of the Film’s central thesis: namely that global warming is an anthropogenic phenomenon.

56. Dr Stott quotes extensively from the Secretary of State's guidance that was circulated together with the Film, and says, at paragraph 20 of his statement –

“It is probably right to say that scene 9 of the Film represents somewhat of a simplification of this picture. But this is very clearly flagged [to] in the Guidance.”

57. Dr Stott then quotes extensively from the guidance. However, I observe that the guidance does not specifically correct the errors either in the sequence of events or in the consequential exaggeration of the effect of additional CO₂ concentration upon temperature. Instead, it merely poses questions to be put to pupils, of which two are singled out by Dr Stott for emphasis:

“Is the relationship between CO₂ concentration and the Earth's temperature one of cause and effect or one of coincidence?”

“Is CO₂ the cause of rising temperatures or is rising CO₂ caused by rising temperatures? Sceptics say we don't know – what is the explanation in AIT [the film]?”

58. Neither of these questions is sufficient to make it clear that the presenter's suggested sequence of events is simply wrong, still less that, as a consequence, his suggestion that just 100 ppmv of additional carbon dioxide concentration was enough to bring each of the past four ice ages to an end is a six-fold exaggeration of the consensual value for climate sensitivity.

59. I also infer that it is also incorrect to say that “sceptics say we don't know”. Professor Carter's evidence is that it is well-known to scientists that temperature changes preceded changes in CO₂ concentration in the palaeoclimate. I note that this evidence is unchallenged by Dr Stott.

60. In addition I am concerned that the question “What is the explanation in AIT [the Film]?” would be more likely to reinforce in pupils’ minds the erroneous sequence of events described by the presenter than to lead them to detect the scientific error.
61. As a policy adviser, I should not wish the misrepresentation of the scientific facts which Dr Stott and Ms Bramman both appear to accept to be included in material offered to students as being educational. It is essential that educational material, particularly if it is very publicly circulated to all schools by and with the authority and enthusiastic commendation of the Secretary of State, should be at all points accurate.

The causes and extent of rising sea level

62. The presenter says that melting of the Greenland and Antarctic ice sheets will cause sea levels to rise by 20 feet, inundating Manhattan, Shanghai, Bangladesh, the Netherlands and many other coastal regions:

“I want to focus on West Antarctica, because it illustrates two factors about land-based ice and sea-based ice. It’s a little of both. It’s propped on tops of islands, but the ocean comes up underneath it. So if the ocean gets warmer, it has an impact on it. If this were to go, sea levels worldwide would go up 20 feet. They’ve measured disturbing changes on the underside of this ice sheet. It’s considered relatively more stable, however, than another big body of ice that is roughly the same size. Greenland. ... If Greenland broke up and melted, or if half of Greenland and half of West Antarctica broke up and melted, this is what would happen to the sea level ...”.

63. Professor Carter, for Mr Dimmock, says at paragraph 30(b) of his statement, that this statement by the presenter is an exaggeration:

“In fact, human causation cannot be demonstrated and, anyway, the likelihood is that the two ice-sheets will contribute less than 5 cm (less

than 2 inches) to a maximum sea-level rise over the next 100 years of 59 cm (1ft 5in).”

64. Dr Stott replies that the presenter’s statements are consistent with the IPCC’s assessment (see paragraph 25 of his statement):

“If half of Greenland and half of the West Antarctic Ice Sheet were to melt that would, as Gore says and the IPCC report confirms, lead to approximately 7m of sea level rise. The melting of Greenland is a real possibility.”

65. But he then says:

“The IPCC AR4 report concluded that the Greenland ice sheet is vulnerable to complete melting if temperatures that are projected to be reached under continuing emissions were sustained for millennia. The AR4 report also showed that the long timescales for thermal expansion of ocean water to take place means that anthropogenic sea level rise would continue for centuries, even if greenhouse gas concentrations were to be stabilised. Therefore the risk of future sea level rise presents a very important concern on long timescales. ... [paragraph 25, emphasis added]

“AR4 projections of sea level rise by the end of this century are dominated by thermal expansion but also include contributions from melting of glaciers and ice caps and small net contributions of less than 5 cm from melting of the Greenland and Antarctic ice sheets. ... [paragraph 26, emphasis added]

“In conclusion, I do not think Gore was wrong to draw attention to the potentially serious effects of sea-level rise on the world as a whole and low-lying areas in particular. I agree that he does not (and should) qualify his statements about sea level rise by indicating the likely timescale over which the projected rises could occur.” [paragraph 28, emphasis added]

66. Dr Stott concedes that, in the absence of unforeseeable changes in rates of dynamical ice-flow from glaciers, the Greenland and West Antarctic ice sheets are not likely to melt for *millennia*, that the risk of sea-level rise is of concern *on long timescales*, that the IPCC's central estimate of the total contribution of peripolar ice-melt to sea-level rise over the whole of the coming century is less than 5 cm (less than 2 inches), and that the presenter does not (and should) qualify his statements about sea-level rise by indicating the likely timescale over which the projected rises could occur.
67. I regard this as an important concession from Dr Stott. As the Film points out, hundreds of millions of people live in low-lying coastal regions. Memories of the south Asian tsunami of 2004 are still fresh in people's minds. Of the several hundred projected catastrophes mentioned in the news media as likely to arise from "global warming", the most serious, in the public mind, is the thought that the world's oceans will rise up and flood the land.
68. I have noted Dr Stott's citation of the UN's Fourth Assessment Report. I have therefore gone to this primary source and am concerned that his citation omits to state that the UN's assessment that the likelihood that humankind has *any* influence over sea level is little better than 50:50. This is one reason why the UN, in line with the peer-reviewed literature, has reduced its former high-end projection for the next century's sea-level rise from 3ft to less than 2ft. Dr. Stott also fails to mention the UN's finding that the prevailing global temperature in the last interglacial period, 125,000 years ago, was up to 5 degrees C greater than it is today, yet the ice sheets of Greenland and Antarctica did not melt, protected as they are by high altitude, high latitude and, in Greenland, high mountains surrounding the central plateaux.
69. As an adviser on education policy, if I had been asked for my opinion on whether the presenter's account of sea level rise was fair, balanced and accurate, I should have taken as my starting-point the UN's latest assessment report, in which the

likelihood of considerable or dangerous sea level rise is not thought to be very great. Contrasting the measured tones of the report, and the increasing moderation of its findings with the alarmist tone of the presenter's statement that the existing populations of numerous identified locations are at immediate risk of inundation, I should not be content to allow the film to be circulated to schools in anything like its present form, still less that it should be circulated with the endorsement and blessing of two Secretaries of State. For the presenter's exaggeration of sea-level rise over the coming century has an inescapably political effect on its audience, suggesting to their minds a degree of urgency that, in the matter of sea level, is largely absent from the UN's latest climate assessment.

70. Does the guidance set matters to rights? Dr Stott says at paragraph 29 of his statement that "the Claimant's criticism is squarely addressed in the Guidance". Yet, again, he makes a concession –

"On reviewing the Guidance, my colleagues and I suggested some further revisions to make the point even clearer."

71. The guidance says:

"Sea level rise: This scene supports teaching of settlement changes and migration at GCE and AS level. Impacts are shown in a variety of settings and students can write an account of how such changes will modify settlement patterns and trigger refugee movements. However, teacher guidance will be needed – especially at GCSE – in relation to the timescale these impacts will be experienced over. Changes will not be instantaneous, as the images might suggest. Students should think about how long it will take for sea level rises to be experienced and whether any fatalities are actually likely to occur. Several GCSE courses also require that students can write about the impact of global warming on one region/country; e.g. coastal flooding in Bangladesh as a result of the rise in sea-level affecting low-lying areas (60m people are at risk)."

“Note: Opportunity to explore potential size, timescales and impact of sea-level rise. What would cause the sea-level rise of 20 feet (the IPCC refers to a 7m rise) that Al Gore refers to, and over what timescale could it happen? What are the rises predicted for this century? What impact are they likely to have on people and the environment?”

72. The original version of the Guidance said that “changes [in sea level] might not be instantaneous, as the images might suggest.” This sentence is the nearest in the entire guidance to a direct correction of the presenter’s scientific errors, yet it is inadequate. As before, there is no specific correction of the presenter’s exaggeration: instead, pupils are merely asked “What are the rises predicted for this century? What impact are they likely to have on people and the environment?” There is no question about the contribution to sea-level rise in the next century from the two ice-sheets that the presenter cites as the cause of his 20ft rise in sea level. There is no question about whether the UN’s projected total centennial sea-level rise is any greater than the mean centennial rise since the ending of the last Ice Age 10,000 years ago. And there is no question about the degree of confidence we have that humankind has any impact at all on sea-level rise, a probability that the UN puts at little more than half.
73. It is not enough for the Secretary of State’s guidance to include “questions ... so as further to encourage teachers and pupils to explore the issue of timescales for sea-level rise”, as Ms Bramman puts it in her testimony. Bearing in mind the vulnerability of secondary-school children, and their limited ability to assess complex scientific evidence that is hard enough for adults to grasp, merely asking questions most of which are unspecific and unfocused would not have been regarded by my Ministers as an adequate substitution for, or restoration of, the balance in presentation of contentious political issues that the legislation requires.

The effect of anthropogenic global warming on individual events

74. The Film presents a series of segments which, in Professor Carter's opinion, are calculated to convey to the audience the false impression that anthropogenic global warming is, in our own time, engendering or imminently likely to engender dangerous climatic change. Professor Carter describes at paragraph 30(c) as an error the notion:

“that each of some 20 current or projected climatic events or disasters is entirely attributable to anthropogenic global warming. The imagined disasters include melting of the polar ice-caps and mountain glaciers; loss of polar bears; unbearable losses by the insurance disaster industry; increased numbers or severity of storms; damaging increases in the established rate of sea-level rise; the drying-out of Lake Chad and African drought; catastrophic loss of coral reefs; increased incidence of tropical diseases such as malaria; increased deaths from heatwaves; and breakdown of the global ocean circulation system. In every one of these instances, reality is that the human attribution is at best doubtful and at worst (in most cases) known to be scientifically incorrect.”

75. Professor Carter's second witness statement provides greater detail in relation to each of these errors.

76. Ms Bramman, in her testimony, refers to these errors of attribution in paragraph 28. She and Dr Stott both make the concession, not adumbrated in the film, that:

“It is not possible to say of individual events (such as hurricanes, etc.) that they are attributable to [anthropogenic] climate change.”

77. The Film contains a long sequence showing the destructive power of Hurricane Katrina.

78. Ms Bramman says that the guidance accompanying the Film makes clear that one-off contemporary events such as a record hot day cannot be regarded as evidence of

global warming, but says further clarification has been found necessary, inferentially in consequence of the claimant's legal challenge, so as "further to stimulate debate and investigation of the relationship between one-off events and climate change".

79. Dr Stott says at paragraph 31 of his statement that:

"It is correct to note that evidence remains insufficient to establish a clear attribution for some particular examples shown in the film, including the drying out of Lake Chad and African drought, and increased incidence of some tropical diseases. The specific example of the melting of the Kilimanjaro snows is not the best illustration of climate change, given that the causes are complex and related to local factors, as discussed in the IPCC AR4 report. However, the glaciers shown in the film serve well to illustrate the widespread melting of glaciers that is attributable to human influence."

80. Neither Dr Stott nor Ms Bramman comment specifically on the melting of the polar ice caps; loss of polar bears, losses by the insurance industry; increased numbers or severity of storms, catastrophic loss of coral reefs; increased deaths from heatwaves and the breakdown of the global ocean circulation system.

81. I therefore infer either that the Defendant concedes that these events are not attributable to anthropogenic climate change or, at least, that it is unclear whether or not the Defendant concedes that the Film inaccurately portrays these specific events as the result of anthropogenic global warming.

82. A review of the references at paragraph 28 of Ms Bramman's statement to amendments to the guidance shows that:

- i) the amendments at pages 6 and 20 of the guidance are identical and note an opportunity to explore the links between glacial recession and climate change;
 - ii) the amendment at page 7 does not refer to individual events but notes that the 650,000-year graph provides “an opportunity to explore the relationship between CO2 concentration and the Earth’s temperature”;
 - iii) the amendment at page 22 – another concession to Mr Dimmock – reads:
“Hurricane Katrina is a contemporary and relevant case study.”
“Pupils should discuss whether individual events such as Hurricane Katrina provide reliable evidence of climate change. Do the global patterns of extreme weather events provide evidence for climate change”
 - iv) the amendment at page 25 suggests an opportunity to explore the potential size, timescales and impact of sea level rise.
83. Accordingly, of the amendments to the guidance referred to by Ms Bramman with reference to individual contemporary events, only those at pages 6 and 20, which are identical, and that at page 22 actually address the issue. Therefore most of the errors identified by Professor Carter have gone uncorrected in the guidance and unanswered in the evidence produced on behalf of the Secretary of State.
84. Both Dr Stott and Ms Bramman say that one of the Frequently Asked Questions in the guidance notes says that a record hot day does not on its own count as evidence of global warming. My Ministers, however, would not have regarded this single question and answer, even taken with the few amendments made to the guidance, as a sufficient correction of the numerous errors of attribution made by the presenter throughout the Film.

85. The guidance stops short of correcting the errors and exaggerations in the Film. Once again, it merely invites pupils and teachers to ask questions with no guarantee that: (a) they will in fact ask those questions (since the Guidance Notes are not mandatory); (b) they will have the time to answer the questions; (c) they will have the expertise or competence to ask the questions; nor (d) arrive at the correct answer. It is not realistic to assume that teachers who receive the DVD of the Film in the post will then diligently access a Government website, download some 80 pages of guidance, read it through and act upon it. They are more likely simply to put the Film in the DVD player and show it to the school.

86. Even if they did read and absorb every aspect of the Guidance they would note that the Introduction states in terms that:

“The pack is not intended to be prescriptive, but to provide a resource that teachers will find useful, with or without modification.”

I note that the Introduction also warns teachers of the prohibition against political indoctrination: however this is insufficiently precise to alert teachers to the fact that it is now accepted (as I understand matters) that if the Film were shown without qualification it would amount to political indoctrination.

87. The errors in the Film are disturbing. More disturbing still is the fact that, without exception, each of the errors in the Film leads in one direction only – towards an unduly catastrophist viewpoint. Not one of the errors falls in the other direction.

Is the Film political?

88. In the Film, the presenter states that the question of climate change has an ethical and moral dimension. It is suggested that the West is principally at fault, because we were the first to develop the industrial civilization that is responsible for carbon dioxide emissions.

89. It is suggested, with considerable (some might say quasi-religious) fervour, that it is the responsibility of each of us to do his or her bit to “Save The Planet”. In the Film and in the guidance, the scientists who do not agree with the presenter’s apocalyptic vision are called “so-called skeptics”, and in Ms Bramman’s testimony they are described as “a minority of dissentient scientists”.
90. To young minds, there is no more powerful appeal than that of idealism. Suggest to children that it is their duty to “Save The Planet” and they will instinctively want to know how they can help. Sneer enough at those who do not consider The Planet to be in any great need of saving, and it is easy to persuade children that they too should sneer.
91. I note the following passage from the film:

“There’s not a single fact or day or number that’s been used to make this up that is in any controversy. The so-called skeptics look at this and say, “So, that looks seems perfectly okay.” On the temperature side: If this much on the cold side is a mile of ice over our heads, what would that much on the warmer side be?

This is really not a political issue so much as a moral issue. If we allow that to happen, it is deeply unethical.”

92. On reviewing the concessions made by the Defendant in relation to the Claimant’s criticisms of the scientific material contained in the Film, it is apparent that there are good factual and scientific reasons to challenge the presenter’s explanation of the science underlying the climate change debate. I have also now seen the second witness statement of Professor Carter which provides much greater detail in relation to the many errors/inaccuracies in the Film. Yet the Film, echoed by the guidance, sneers at the “so-called skeptics” in a manner that, if shown to children, is calculated to lead them into sneering at the “so-called skeptics” themselves.

93. This type of political indoctrination is particularly insidious in that it is likely to induce in children very strong peer-pressure to conform to the prevailing establishment opinion, even where, – as in the present case, the political establishment’s opinion is considerably more exaggerated than that of the scientific consensus.

94. The presenter ends the film with these words –

“What about the rest of us? Ultimately this question comes down to this: Are we as Americans capable of doing great things even though they are difficult? Are we capable of rising above ourselves and above history?”

“The record indicates that we do have that capacity. We formed a nation. We fought a revolution and brought something new to this Earth, a free nation guaranteeing individual liberty. America made a moral decision that slavery was wrong and that we could not be half free and half slave. We as Americans decided that of course women should have the right vote. We defeated totalitarianism and won a war in the Pacific and the Atlantic simultaneously. We desegregated our schools and cured some diseases like polio.

“We landed on the moon, the very example of what’s possible when we are at our best. We worked together in a completely bipartisan way to bring down communism. We have even solved a global environmental crisis before, the hole in the stratospheric ozone layer. This was said to be an impossible problem to solve because it’s a global environmental challenge requiring cooperation from every nation in the world. But we took it on, and the United States took the lead in phasing out the chemicals that caused that problem.

95. This emotional, politically-charged presentation, suggesting that a scientific issue is first and foremost a moral issue, is calculated to appeal very powerfully to the minds of children. The reference to parents is likely to give children the false impression that their concern to “Save The Planet” gives them a moral superiority over their parents.
96. In my opinion, many children who are exposed to this film at school, particularly with the official endorsement of the Secretary of State, will find themselves under intense peer-pressure to conform to the opinion to which the political establishment intends them to conform.
97. Ms Bramman says it is not the intention of the guidance to oblige any child to take any viewpoint. Even if the guidance contains a *clause de style* to this effect, the consequence of the Film, taken together with the guidance, will undoubtedly be to “influence the minds of children” in such a manner that it would be a courageous child indeed who would dare to withstand the peer-pressure from his classmates and say, for instance, that the contribution of melting ice in Greenland and Antarctica will be only 2 inches over the whole of the coming century.
98. I note that Ms Bramman accepts that the advocacy at the end of the Film might be said to constitute a political view, but she says that the guidance does not suggest that teachers should promote this view.
99. At best, the guidance issued with the Film by the Secretary of State invites teachers to stimulate their pupils to ask questions about the issues raised.
100. To my Ministers, such an approach would not have been regarded as sufficient to avoid the accusation of prejudice: for pupils are not experts in palaeoclimatology and, when confronted with a presentation by a former President of the United States that has been circulated to schools on the orders of not one but two Cabinet Ministers and with their well-publicized commendation, neither students nor

teachers are likely to make the hundreds of investigations and inquiries which would be required to deal with the questions presented by the guidance in a comprehensive manner.

Conclusion

101. Given the inaccuracies in the Film and conceded by the Defendant, in my opinion it is not legitimate to argue that the Film ought to be shown to schoolchildren merely because its conclusion is broadly in accord with the science as it now stands. The Film's conclusions are exaggerated, or at worst simply wrong. For example, the Film predicts that hundreds of millions of people are at near-term to medium-term threat of suffering from anthropogenic climate disasters such as sea levels rising at least an order of magnitude faster and several millennia sooner than the current best estimates; or malaria spreading; or an increase in individual catastrophic weather events, when none of these assertions is in reality true.
102. The context is crucial. A former Vice-President of the United States, consciously and repeatedly taking advantage of the prestige of his office, presents what he tells us is a scientifically-accurate account of the causes of climatic change, of its existing consequences and of the catastrophes which he says will certainly follow.
103. To add further credence to this presentation, not one but two of Her Majesty's Secretaries of State have publicly caused the Film to be distributed to every school in England, and have endorsed its content, even at points where that content is acknowledged to be inaccurate.
104. Furthermore, the Film is to be shown in secondary schools, in an environment in which pupils expect that any educational resource, particularly a resource sent to them on the instructions of two senior members of their Government, will be in substance scientifically accurate and, at all central points, in accordance with the best current consensus of mainstream scientific thought.

105. The duty of the Secretary of State is to ensure a balanced curriculum in maintained schools, and his general obligation at law is not to interfere with the statutory scheme by which local education authorities, school governors, and head teachers are prohibited from circulating within schools any material that would tend to the political indoctrination of children.
106. The Film tackles what are clearly complex scientific questions, yet it is presented by a politician, a former Vice-President who lacks any proper scientific qualifications to make such a presentation. His film, even in its conclusion, is inaccurate, misleading, or exaggerated in several fundamental points of climate science, and it seeks to influence the behaviour of viewers on the basis of the science it presents.
107. This is, in my opinion, a classic example of the political indoctrination against which Parliament legislated when I held the educational portfolio in the Policy Unit at 10 Downing Street. In my view, the film *An Inconvenient Truth* is scientifically inaccurate and presented with such lack of balance, that the Film is fundamentally unsuitable for direct teaching purposes.

The Four Short Films From Defra

108. I have also viewed the four short films from Defra and would comment on them briefly:
- a. “Tomorrow’s Climate Today”. This is a 2 minute trailer type film that conveys the clear message that contemporary weather patterns are attributable to anthropogenic global warming and that, if left unchecked, the results will be catastrophic. The music has an ominous tone and reinforces the apocalyptic message of the film. Pictures of alternative sources of electricity (wind turbines and hydro-electric plants) are shown as the commentator states that solutions exist. Viewers are invited to visit a website for more information and “to get involved”: www.climatechallenge.gov.uk The website encourages its readers to “get involved” and spread the word”. It announces a fund with £6m to assist

with the communication of this message. Given Dr Stott's concessions and the inevitable political agenda lying behind the message, I have no doubt that this short film is inappropriate to be shown in schools.

- b. "My CO₂". This is a 2 minute film which seeks to encourage its viewers to reduce their power consumption on the grounds that energy use has a resultant change on the climate. Although the premise of the film may be controversial, its overall message is not controversial: namely that a reduction in energy consumption is something to be encouraged. I would therefore not regard this film as promoting a "partisan" political viewpoint.
- c. "Champions' Diaries". This is an 8 minute film containing a series of video diaries from [6] school children who have been involved in communicating "the message" at various events, apparently organized and promoted by the government. The message is of anthropogenic global warming and the urgent need to take action. The film reinforces the false premise that contemporary weather patterns are uncontroversially attributable to carbon emissions. Specific reference is made to the Film which is said to be "good". This film therefore is as objectionable as the Film.
- d. "Carbon Cycle". This is a 3 minute film which describes in simple terms how the carbon element moves through the environment in its various compounds. For the most part, the film portrays uncontroversial scientific facts in a simplified form that is entirely suitable for showing in school. The film carries a moderate message with regard to anthropogenic global warming (stating only that carbon emissions contribute) and encouraging viewers to reduce energy consumption so that "we can do our bit". I regard this film as an example of an acceptable way in which the issue could be brought to the attention of school children. Importantly it does not exaggerate the issue, does not imply that human activity is the sole cause of climate change and contains no apocalyptic

threat. Neither does it attribute contemporary weather patterns to anthropogenic global warming.

Statement of Truth

I have read the practice direction to CPR 35 and I understand that my duty is to the Court and confirm that I have complied with that duty. I confirm that, insofar as the facts stated in my report are within my own knowledge, I have made clear which they are and I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.

Signed:.....

Christopher Monckton

Dated :