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14 U.S. SENATOR JOHN F. KERRY and
15 U.S. REPRESENTATIVE JAY INSLEE

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CENTER FOR BIOLOGICAL DIVERSITY,))
15 a non-profit corporation; GREENPEACE,)
16 Inc., a non-profit corporation; and FRIENDS)
17 OF THE EARTH, a non-profit corporation,)

18 Plaintiffs,)

19 v.)

20 DR. WILLIAM BRENNAN, in his official)
21 capacity as Acting Director of the U.S.)
22 Climate Change Science Program; U.S.)
23 CLIMATE CHANGE SCIENCE)
24 PROGRAM; JOHN MARBURGER III,)
25 in his official capacity as Director of the)
26 Office of Science and Technology Policy)
27 and Chairman of the Federal Coordinating)
28 Technology; OFFICE OF SCIENCE AND)
TECHNOLOGY POLICY; and FEDERAL)
COORDINATING COUNCIL ON)
SCIENCE, ENGINEERING, AND)
TECHNOLOGY,)

Defendants.)

Case No. C 06-7062 (SBA)

**DECLARATION OF CRAIG H. SEGALL
IN SUPPORT OF MEMORANDUM OF
AMICI CURIAE JOHN F. KERRY AND
JAY INSLEE**

1 I, Craig H. Segall, hereby declare and state as follows:

2 1. I am a certified law student practicing in the Environmental Law Clinic at Stanford
3 Law School and have participated in the gathering of materials for use in this case.

4 2. The exhibits attached hereto are true and correct copies of documents obtained from
5 publicly available sources or from the parties by either the Clinic, the Plaintiffs, or the *Amici*. I
6 affirm the authenticity of all documents.

7 3. These documents are copies of the following:

8 **Exh. 1** 15 U.S.C. § 2921 et seq.

9 **Exh. 2** H.R. Rep. No. 101-394, pt. 1, (1989).

10 **Exh. 3** 136 Cong. Rec. 24, 35140 (1990).

11 **Exh. 4** 136 Cong. Rec. 25, 36450 (1990).

12 **Exh. 5** 136 Cong. Rec. E3593 (daily ed. Oct. 27, 1990) (statement of Rep. Roe).

13 **Exh. 6** 135 Cong. Rec. 1, 819 (1989).

14 **Exh. 7** S. Rep. No. 100-587, (1988).

15 **Exh. 8** S. Rep. No. 101-40 (1989).

16 **Exh. 9** 135 Cong. Rec. 18,26357 (1989).

17 **Exh. 10** Morgan et al., Learning from the U.S. National Assessment of Climate
18 Change Impacts, 9023 *Envtl. Sci. Tech.* 9023 (2005).

19 **Exh. 11** The U.S. National Climate Change Assessment: Do the Climate Models
20 Project a Useful Picture of Regional Climate? Before the H. Comm. on
21 Energy and Commerce, Subcomm. on Oversight and Investigations, 106th
22 Cong (2000) (statement of Dr. Anthony C. Janetos, Senior Fellow, Heinz
23 Center for Science, Economics, and the Environment).

24 **Exh. 12** Michael C. MacCracken, U.S. National Assessment of the Potential
25 Consequences of Climate Variability and Change, Introduction, Aug. 8, 2000,
26 available at
27 <http://www.usgcrp.gov/usgcrp/nacc/background/naccbackground2.htm>.
28

- 1 **Exh. 30** Global Climate Change Program Act of 2001, S. 1716, 107th Cong., § 501.
- 2 **Exh. 31** S. 517, 107th Cong., § 1334(3).
- 3
- 4 **Exh. 32** Union of Concerned Scientists, Scientific Integrity in Policymaking: An
5 Investigation into the Bush Administration’s Misuse of Science (Mar. 2004).
- 6 **Exh. 33** Andrew C. Revkin, Dispute Arises Over a Push to Change Climate Panel,
7 New York Times, Apr. 2, 2002.
- 8 **Exh. 34** Andrew C. Revkin, Climate Expert Says NASA Tried to Silence Him, New
9 York Times, Jan. 29, 2006.
- 10 **Exh. 35** Juliet Eilerpin, Climate Researchers Feeling Heat from White House,
11 Washington Post, Apr. 6, 2006.
- 12 **Exh. 36** Robert F. Rich and Kelly R. Merrick, Uses and Misuses of Science: Global
13 Climate Change and the Bush Administration, University Institute of
14 Government and Public Affairs Working Paper # 134 (Oct. 2006).
- 15 **Exh. 37** Christopher Horner, Another Hot Shoe May Drop, Washington Times, June
16 23, 2002.
- 17 **Exh. 38** White House Effect (Evidence), Harper’s Bazaar, May 1, 2004.
- 18 **Exh. 39** Andrew C. Revkin, Former Bush Aide Who Edited Reports Is Hired by
19 Exxon, New York Times, June 15, 2005.
- 20 **Exh. 40** Junk Science Report Under the Microscope, CEI Press Release (July 25,
21 2002)
- 22 **Exh. 41** The Data Quality Act, Pub. L. No. 106-554, § 515 Appendix C, 114 Stat.
23 2763A-153 (2000) (uncodified amendment to the 1980 Paperwork Reduction
24 Act, 44 U.S.C. § 3501 et seq.).
- 25 **Exh. 42** Paul Harris, Bush Covers Up Climate Research, The Observer, Sept. 21,
26 2003.
- 27 **Exh. 43** Liz Halloran, Federal Lawsuit Probe Sought; Global Warming Report at
28 Issue, Hartford Courant, Aug. 12, 2003.
- Exh. 44** White House Acknowledges Climate Report was Not Subjected to Sound
 Science Law, CEI Press Release (Nov. 6, 2003).

- 1 **Exh. 45** Andrew C. Revkin, With White House Approval, EPA Pollution Report
2 Omits Global Warming, New York Times, Sept. 15, 2002.
- 3 **Exh. 46** Duncan Campbell, White House Cuts Global Warming Report:
4 Environmental Study Censored, Say Critics, The Guardian, June 20, 2003.
- 5 **Exh. 47** Andrew C. Revkin, Bush Aide Edited Climate Reports, New York Times,
6 June 8, 2005.
- 7 **Exh. 48** National Research Council of the National Academies, Planning Climate and
8 Global Change Research: A Review of the Draft U.S. Climate Change
9 Science Program Strategic Plan (2003).
- 10 **Exh. 49** Andrew C. Revkin, Panel of Experts Faults Bush Plan to Study Climate, New
11 York Times, Feb. 26, 2003.
- 12 **Exh. 50** Andrew C. Revkin, Lawmaker Condemns NASA Over Scientist's
13 Accusations of Censorship, New York Times, Jan. 31, 2006.
- 14 **Exh. 51** Paul D. Thacker, Climate-Controlled White House, Salon.com, Sept. 19,
15 2006.
- 16 **Exh. 52** Peter B. Lord, NOAA Hiding Truth About Hurricanes, Scientists Say,
17 Providence Journal, Mar. 26, 2006.
- 18 **Exh. 53** Jeff Nesmith, Scientist: Feds Blocked Report on Arctic Policy, Atlanta
19 Journal and Constitution, Nov. 17, 2004.
- 20 **Exh. 54** James Glanz, Scientists Say Administration Distorts Facts, New York Times,
21 Feb, 19, 2004.
- 22 **Exh. 55** Marc Kaufman, Climate Experts Worry as 2006 is Hottest Year on Record in
23 U.S., The Washington Post, Jan. 10, 2007.
- 24 **Exh. 56** Raphael G. Satter, Scientists Say 2007 May be the Hottest Yet, FOX News,
25 Jan. 9, 2007.
- 26 **Exh. 57** GAO, Climate Change Assessment: Administration Did Not Meet Reporting
27 Deadline (Apr. 14, 2005).
- 28 **Exh. 58** Letter from Senators John Kerry and Ernest Hollings to David M. Walker,
 Comptroller of the United States, Nov., 13, 2002.
- Exh. 59** Letter from Senator John F. Kerry to Dr. John Marburger III, Executive

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Director, Office of Science and Technology Policy, Aug. 16, 2003.

Exh. 60 Letter from Senators John Kerry and John McCain to David M. Walker, Comptroller of the United States, Mar. 8, 2004.

Exh. 61 Letter from Representatives Jay Inslee and 23 other Congress members to Dr. William Brennan, Acting Director of the Climate Change Science Program, Dec. 11, 2006.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 7th day of February, 2007 at Stanford, California.

/s/ Craig H. Segall
Craig H. Segall

I, Deborah A. Sivas, pursuant to ECF General Order 45X, attest that Craig H. Segall has concurred in and authorized the filing of this declaration with this Court.

/s/ Deborah A. Sivas
Deborah A. Sivas
Attorney for *Amici Curiae*