

# A REVIEW OF ENVIRONMENTAL BOOKS

By John Harms

*An Inconvenient Truth: The Planetary Emergency of Global Warming and What We Can Do About It* • Al Gore (2006)

*Cool It: The Skeptical Environmentalist's Guide to Global Warming* • Bjorn Lomborg (2008)

*Climate of Extremes: Global Warming Science They Don't Want You to Know* • Patrick J. Michaels and Robert C. Balling Jr. (2009)

*National Security and the Threat of Climate Change* available at [www.securityandclimate.cna.org](http://www.securityandclimate.cna.org) • Gordon R. Sullivan et al. (2007)

As Raymond Ludwiszewski and Charles Haake detail earlier in this issue of *The Federal Lawyer*, setting a course to respond to climate change is a top priority for the Obama administration and the current Congress. Currently available books on the topic demonstrate the authors' differing perspectives. Former Vice President Al Gore lays out his case that global warming has reached crisis proportions and we must act now to reverse it. Patrick J. Michaels and Robert C. Balling Jr. do not question that climate change is happening but believe it is not dangerous and that the way it is reported is too sensationalist. Bjorn Lomborg also considers the reporting too dramatic and believes that we can do more good in the world by focusing on problems other than climate change. The group of former senior military officers led by Gen. Gordon R. Sullivan detail how climate change has consequences that will threaten U.S. national security.

Gore's book, *An Inconvenient Truth*, is highly readable, probably as a result of the way it came to be. The book is a companion to the Academy Award-winning 2006 documentary film. After leaving the vice presidency, Gore presented a slide show on global warming to audiences throughout the world. His central theme (as the trial lawyers say, the theory of the case) is that human activity is currently causing the earth's climate to change more dramatically than it has at any other time since humans have inhabited the earth, that the change will have some highly undesirable side effects, and that humans need to take action without delay.

Of particular interest to the bar, Gore's book demonstrates good advocacy. The work shows signs that Gore listened to feedback along the way, at the same time remaining focused on his theory of the case. Gore has listened closely to his audience, including those who are skeptical of his claims and those who say he is simply wrong. In ad-

dition, Gore weaves in enough scientific concepts to give the reader insight into what he's talking about, but he does not forget that his real point is to persuade the public (mostly nonscientists) that it is time to take action.

At the same time, though, the book has a lot of sidebar discussions, many of which include personal narratives. In fact, the slides-to-video and film-to-book progression leaves the whole book feeling like a series of sidebar discussions. This approach could have turned *An Inconvenient Truth* into something that could be titled "The Global Warming Scrapbook," but here it works. Again, Gore never forgets his theory of the case or his targeted audience.

Lomborg's *Cool It: The Skeptical Environmentalist's Guide to Global Warming* and Michaels and Balling's *Climate of Extremes: Global Warming Science They Don't Want You to Know* are two books in print today that seemed likely to be rebuttals or at least counterpoints to Gore's book when I saw them on the shelf at the bookstore. Both books openly acknowledge that climate change is happening, but they differ from Gore's account and from each other on the assessment of how serious the issue is and what society should do about it.

Michaels and Balling are clearly knowledgeable about the subject and clearly passionate; therefore, *Climate of Extremes* is disappointing, because the authors could not decide whether they wanted to write a highly technical book or one for a mass audience; Michaels, at least, seems to have a personal agenda apart from laying out data and telling the reader what the data mean. To start with the second point, in the preface, Michaels states that he is the climatologist for the commonwealth of Virginia and a professor at the University of Virginia, and the current governor of Virginia wants him to give his title as director of the State Climatology Office, not the state climatologist, and also wants him to say that the opinions expressed in the book are solely those of Patrick Michaels. Because Michaels finds that those constraints prevent him from dealing with the press, he is leaving his state position. He also tells about colleagues in two other states whose governors tried to control the messages they were sending. Those three governors are the "they" that the title says are trying to stop you from finding out that "the world is not coming to an end because of global warming" and "we don't really have the means to significantly alter the temperature trajectory of the planet" (page xiii).

The authors' inability to decide whether they wanted to write for the scientific community or for a wider readership affects both the layout and the text, making their discussion poor advocacy. The book is largely technical, with graphs found on every few pages, but it also includes many sidebars, an occasional slang phrase such as "Same old, same

old” (p. 90), and various jabs at Al Gore and other advocates of climate change (pp. 1–3, 94, 141–142).

Unlike the presentation in Gore’s book, the graphs and sidebars in *Climate of Extremes* are used ineffectively. Because the graphs seem integral to their argument, I tried to follow them, but the authors do not explain them or their significance well in the narrative. The most important graphics are found in the middle of the book; it appears the publisher placed them there, because they are the only parts of the book that are printed in color, but the inevitable flipping back and forth makes the book even more difficult to read. Perhaps a professional climatologist could grasp the technical arguments, but the preface claims that the book is aimed at the rest of us, and the authors spend 190 pages laying out their data.

As to the sidebars, I found that if I stopped and read them where they were located, I just could not pick the text back up where I had stopped reading it. If you read this book, I recommend reading the whole text of a chapter, then rereading it, this time stopping to flip to the charts as you read. After that, read the sidebars.

Although the book has a technical orientation, there are straightforward points that the nonscientist can grasp that show how much more effective this book could have been. For example, on pages 110–111, the authors discuss Warming Island (its real name)—a small island near Greenland—as an example of what they consider the biased nature of writing about global warming. They point to accounts of the island having been discovered in 2006 and reported as a prime example of retreating glaciers, but they also reprint maps from a book published in 1957 that show the island separate from the Greenland mainland and thus already known. Michaels and Balling lay this information out crisply and use figures (4.6–4.10) to illustrate their point effectively.

At the same time, the example of the reporting of Warming Island underscores another weakness of this book. The example shows that those who actively warn of global warming are not perfect, but I kept waiting for these two professional climatologists to answer more relevant questions:

- What is the consensus within the scientific community?
- Are those who believe that climate change is a serious problem requiring action correct in the main, as opposed to perfect?
- What actions—if any—should humans take?

On page 224, Michaels and Balling say that they “attempted to show there is a consistent body of literature—albeit smaller in size than its counterpart that argues *for* the existence of climate change but *against* its more dramatic and apocalyptic interpretations,” but at the same time they say that it is quite clear that “humans are implicated in the planetary warming that began around 1975,” and add that it is likely that greenhouse gases are one of the causes of the warming, “probably a considerable one.” (Emphasis in the original.)

So which individuals or groups, if any, do Michaels and

Balling believe should take action and what should they do? Articles submitted to scientific journals are reviewed by authors’ peers, and neither the authors nor the reviewers know each other’s identity. The book’s lone proposal—found after 193 pages of graphs, text, and sidebars—is found on page 223, where the book’s authors state that “each of the major journals,” an undefined term but apparently referring at least to *Science* and *Nature* among others, should end the practice of anonymous peer review. Instead, the authors propose that each major journal post all submitted articles—including the authors’ and reviewers’ names as well as all reviews for each article—on its Web site, and that if the article is rejected without being reviewed, this information should be noted on the journal’s Web site as well. Michaels and Balling point repeatedly to a single article on stem cell research that they credit the scientific blogosphere for having exposed as a fraud. The authors concede that what they propose will not get rid of all the bias they see, but it will prevent publication of articles that are outright frauds. The proposal does not discuss what society would lose by discarding the methods that have been established for scientific publications.

The book takes another strange turn in the penultimate paragraph, in which the authors state that the biggest piece of science kept out of public view is the huge number of lives saved by technology. On page 226, they say that such lifesaving technology was “developed by our fossil-fuel driven society.” By lives saved, they refer to the doubling of life expectancy in the last 110 years, which, according to the authors, is the same thing as saving half the lives in a society. That paragraph ends with the following sentence: “No one will ever know the number of people who would otherwise have died, but somewhere around a billion of us is a reasonable estimate.”

After all the pages spent trying to convince the reader that advocates who warn of global warming do not have all the answers and use imperfect models, the statement that lifesaving technology is being kept secret, followed by a suggestion that we can only develop such technology in facilities run by fossil-fuels and by an off-the-cuff estimate of a billion lives saved, is a disappointing ending to the book. Michaels and Balling never explain how all that information is tied to global warming. I expected more discipline from two scientists.

The authors’ discussion is a disappointing anticlimax to a book whose cover claims it is about global warming. In the preface, Michaels states his reasons for feeling bitter and for believing that “they” are stopping us from knowing things about the topic. I did not see a mention of why Balling, a professor at Arizona State University, might have a personal agenda, but the underlying tone of the book is that the authors are taking the issue personally.

Bjorn Lomborg’s book *Cool It: The Skeptical Environmentalist’s Guide to Global Warming*, again not a rebuttal per se to Gore, is much easier to read than Michaels and Balling’s book. Lomborg uses sidebars sparingly (I counted four in 166 pages). He also says that global warming is occurring and that human beings have contributed to the problem, but, like Michaels and Balling, he maintains that

too much of the discussion of global warming consists of overheated rhetoric and theater. In addition, he states that existing proposals of how to deal with the problem have focused on limiting levels of carbon dioxide emissions rapidly, but, Lomborg asserts, those approaches will be extraordinarily expensive and will produce minor changes in the level of emissions.

Lomborg asks a very basic question: Why do we care about global warming? He concludes that the underlying point of the concern is the desire to make the world a better place. There are many problems on planet Earth and we cannot solve them all at once, so the real question is: How many of the resources available to make the world a better place should be spent on global warming? In particular, he points out that HIV/AIDS, malaria, and malnutrition kill millions of people every year and cause great suffering to millions more. He also points to ending agricultural subsidies and ensuring free trade as another “very good opportunity” to make the world a better place, saying that nearly everyone’s lives will dramatically improve as a result. He believes that we should take some actions to cut emissions of carbon dioxide, but we should not take actions that he considers extreme, costly, and not likely to make much of a difference.

Lomborg states he arrived at this prioritized list through the Copenhagen Consensus, in which he polled a group of economists, including four Nobel laureates, and 80 college students from all over the world. He repeated the poll with a group of ambassadors to the United Nations and got consistent results. As Lomborg takes pains to point out, none of those groups stated that global warming is not occurring or is not important—they just all believe that we can do more good by focusing our efforts less on global warming and more on other issues.

If Michaels and Balling got bogged down in technical detail, Lomborg should have provided a bit more of it. In the preface, Lomborg says that no one knows all the science related to climate change. The page that immediately precedes the title page states that the author is a professor of business, and the publications referenced in the book are all popular publications (such as the *Wall Street Journal*). There is nothing wrong with any of that, but climate change includes a large scientific component. It is fine to get insights from economists, students, and U.N. ambassadors, but intentionally leaving the scientists out of the discussion seems glib.

The book’s greatest strength is its focus on the reader. Lomborg took the time to make the book easy to read, which means he makes his points strongly. He also lets readers find sources for themselves. The book does not have footnotes but, instead, has endnotes, in which the author repeats a phrase and then refers to a work listed in the reference section; it appears that most of the time, the author refers to a specific page or pages in the referenced work. Once again, though, completely leaving out studies by scientists weakens Lomborg’s argument. The book would have been easier to read had the author used a few well-chosen graphs to drive his points home.

The book is worth reading for two other reasons. First,

Lomborg presents a truly global viewpoint. Even if you believe that the United States should focus solely on what’s good for the country (or arguably good for the country), it’s worth looking at the issue from a broader perspective. Second, Lomborg also discusses some things that advocates of reducing levels of carbon dioxide emissions point to as evidence of our need to act, and he says that we should ask if there are other aspects of the problem on which we should focus instead. For example, the damage resulting from admittedly increased hurricane activity in the last decade, which Lomborg says is often pointed to as a sign that we need to immediately cut emissions of carbon dioxide, is to some extent the result of more people living near the coast than in years past. Lomborg believes that we need to take a hard look at whether society should continue to allow and even encourage such behavior.

The last work reviewed, “National Security and the Threat of Climate Change,” is not really a book but a paper posted on the worldwide web. The authors are the Military Advisory Board, 11 retired three-star and four-star generals and admirals, including the former chief of staff of the Army Gen. Gordon Sullivan (board chair), and Sherri W. Goodman, a former undersecretary of defense for environmental security and the general counsel and corporate secretary for the Center for Naval Analysis. In arriving at their views, the board received briefings from climate scientists, business and state leaders, the U.S. intelligence community, and from business leaders and government officials from the United Kingdom. They also reviewed the latest report of the Intergovernmental Panel on Climate Change (IPCC) and peer-reviewed scientific publications.

The group looked at how climate change could affect the national security of the United States during the next 30 to 40 years. The contributors conclude that climate change will bring new threats to the security of the United States and will aggravate existing threats. In particular, the authors conclude that climate change will exacerbate scarcities of food and water, increase disease, and force large numbers of people to migrate in search of food. All these outcomes will threaten governments that are already weak and will make the world more vulnerable to extremism, and the United States will inevitably have to become involved in stabilizing those areas. Closer to home, the country will need to deal with refugees coming to our own borders in search of food and water as well as with increasingly extreme weather conditions.

The group also sees energy dependence as part of the mosaic of problems they believe the United States must solve in order to address the threats that will result from climate change. Specifically, the authors believe that the nation needs to make an investment in finding ways to move away from fossil fuels. Adding yet another major problem to the discussion of the intersection of climate change and national security might have made the paper more difficult to follow; instead, the final product is well-written and straightforward. The length of each of the sidebars in the paper, “Voices of Experience,” is a single page, each one

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ry without the company's having taken any corrective action. Nor do critics of the verdict realize that the court reduced the plaintiff's award because of her own negligence.

But Gray also recognizes the problems of our judicial system, and he offers suggestions for improving it, including adopting a modified English rule for attorneys' fees, which would give the trial judge the discretion to award reasonable attorneys' fees to prevailing parties. Under this approach, the judge would be able to award attorneys' fees in cases that should never have been brought or should have been abandoned once relevant facts were discovered, but judges should not award fees in a way that would make it "ruinous for parties to pursue the righteous prosecution or defense of appropriate cases." Gray also recommends more interaction between the judiciary and the media, including allowing cameras in the courtroom.

His most important recommendations relate to the criminal justice system, and he suggests considering the

legalization of drugs. His other recommendations with respect to the criminal justice system stem from the idea of "restorative justice." As Gray notes, 95 percent of all prisoners will be released, and prisons do not adequately prepare these people for this eventuality. He recommends not only helping prisoners address why they were sent to prison in the first place but, more important, the need to provide them with basic skills training, including reading, writing, and job and parenting skills, as well as drug and alcohol treatment, so that these people do not end up back in prison. Gray also recommends that, given the cost of keeping convicts in prison, especially with respect to an aging prison population that results from longer and longer sentences, we should also reconsider whom we send to prison. Gray points to the case of a former California legislator who had routinely voted for longer and longer prison sentences, until he himself had to spend two years in prison for election fraud. Once in prison himself, the legislator realized that many people

in prison simply did not belong there. After his experience, the legislator was quoted as saying, "We should reserve our prison space for people we are afraid of, not people we're mad at." Coming from a judge who has worn the robe for so long, his suggestions are at least worth considering.

*Wearing the Robe* compels us, as lawyers, to look beyond our own interests in our particular cases and to consider for a moment the important role played in our judicial system, at all levels, by the person wearing the robe. **TFL**

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## **ENVIRONMENT** *continued from page 64*

focusing specifically on the unique insights of the senior officer featured on the page. The sidebars support what is in the text, as opposed to distracting from it. At the same time, as with Michaels and Balling's book, the best way to follow the text and to get maximum benefit from the sidebars is to read the text first, then go back and read the sidebars. But reading the sidebars included is valuable.

This paper is worth reading for three specific reasons. First, the discussion does not fall anywhere in the left-vs.-right, environment-vs.-economy spectrum and thus presents a unique perspective on global warming. Like Lomberg's book, this paper takes a truly global view of climate change. At the same time, the authors do not lose their perspective on the issue of just why the United States should care about the problem. Second, the authors acknowledge and tackle head-on a vital issue: making decisions and taking action in the face of imperfect knowledge. The authors have spent their entire adult lives working on important and complex problems and have succeeded in positions of tremendous responsibility. They acknowledge that they do not know everything about climate change but have concluded that the evidence and the consensus within the scientific community are strong enough that we need to act now. As they state on pages 9–11 of their paper, it is a question of managing risk not of arriving at absolute certainty. Those pages alone make this work worth reading.

The third reason to read this paper is Appendix 2, "Cli-

mate Change Science—A Brief Overview," which is well-written. In this section, the authors specifically state that they sought out scientific experts to determine both the consensus and range of views within the scientific community. They showed that the current consensus is that the significant increases in average global temperature over the last half-century can be attributed to human activity (with a certainty of more than 90 percent); that those increases have already affected many natural systems on Earth; and that future climate change is inevitable (page 56). At the end, they also briefly discuss abrupt climate change, pointing out that were abrupt change to occur, it would be a significant challenge even for well-developed countries.

Each of the works reviewed here can help lawyers improve their understanding of the current discussions about global warming. **TFL**

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